

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-3. Occupational Health and Safety

1. AUTHORITY.

To take specific actions with respect to the Occupational Safety and Health Act of 1970 (P.O. 91-596), Executive Order 12196, other related laws, and Federal Health and Safety requirements and regulations.

2. TO WHOM DELEGATED.

This authority is redelegated through:

(1) Assistant Regional Administrator, Office of Policy and Management, through

(2) Chief, Human Resources Management Branch, through

(3) Chief, Facilities Management Section

to:

(4) Safety Officer

3. LIMITATIONS.

This authority will be exercised in accordance with policy issuances of the Assistant Administrator for Administration and Resources Management.

4. REDELEGATION AUTHORITY.

Further delegation is not authorized.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-4-A. Personal Property and Government-owned Vehicles

1. AUTHORITY.

a. To make determinations and grant exemptions required by law or regulation regarding personal property management in accordance with the Federal Property and Administrative Services Act of 1949, 40 U.S.C. § 471 et seq., and the Federal Property Management Regulations, 41 CFR Chapter 101.

b. To declare excess or surplus Government personal property which is under the control of EPA and not required for Agency use, and to sell personal property under the conditions described in the Federal Property Management Regulations, 41 CFR Chapter 101-45.1053.

c. To make determinations required by law or regulation regarding the use or transfer of Government-owned vehicles.

d. To authorize the acquisition or disposal of watercraft.

e. To authorize the acquisition or disposal of aircraft, including fixed wing aircraft, helicopters, and seaplanes.

2. TO WHOM DELEGATED.

These authorities are redelegated through the Assistant Regional Administrator, Office of Policy and Management to the Branch Chief, Human Resources Management Branch.

3. LIMITATIONS.

a. For other than OIG and OE employees, authority to exempt U.S. Government-owned motor vehicles from conspicuous U.S. Government identification is reserved to the Administrator.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-4-A. Personal Property and Government-owned Vehicles (Cont'd)

b. Authorities redelegated to positions described in paragraph 2 apply to all agency activities within Region 4. (See EPA order 1000.5C). These authorities shall be exercised in accordance with policy issuances of the Office of Administration and Resources Management.

c. EPA travelers on official travel status must follow the EPA travel regulations contained in Resources Management Directive System (RMDS), Chapter 2550B-EPA Travel Manual.

d. Notification of acquisitions or disposal of property under 1.d and 1.e above must be made to the Director, Facilities Management and Services Division, and those acquisitions and disposal must be consistent with the language of relevant appropriations bills.

e. Authority to approve requisitions for the acquisition of passenger-carrying vehicles and light duty trucks either by purchase, hire or commercial lease for a period of 60 or more consecutive days; and to certify the Region IV's fleet average fuel economy is delegated to the Assistant Regional Administrator.

4. REDELEGATION AUTHORITY.

Further redelegation is not authorized.

5. ADDITIONAL REFERENCES.

- a. Property Management Regulations 3-06, pp. 1-2.
- b. 31 U.S.C. § 1343.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-16. Agency Chief Financial Officer/Accounting, Budgeting and
Other Financial Management Activities

1. AUTHORITY.

To serve as Region IV's Chief Financial Officer (CFO) in accordance with the Chief Financial Officers Act of 1990 and oversee all financial management activities relating to the programs and operations of Region IV, and to manage Region IV's Financial System in accordance with the Budget and Accounting Act of 1950 and other applicable laws and regulations. The authorities of the position include:

a. To provide general accounting and fiscal services, and to establish and enforce, throughout Region IV, internal controls, policies, standards, and compliance guidelines involving financial management, including authority to require and ensure timely corrective actions regarding material weaknesses disclosed through audit findings and reports under the Federal Managers' Financial Integrity Act (FMFIA);

b. To maintain liaison with GAO, OMB and the Treasury Department on issues related to financial management, accounting policy and operating accounting systems;

c. To assure effective fiscal control over the accountability for all funds, property, and other assets for which the Agency is responsible;

d. To receive and deposit funds;

e. To provide for the preparation and annual revision of Region IV's 5-year financial management plans;

f. To ensure timely and accurate information on contract disbursements in relation to projected costs and actual commitments;

g. To produce reliable accounting results and information needed to support Agency budget requests and to provide financial information required by the Congress, OMB and the Treasury

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-16. Agency Chief Financial Officer/Accounting, Budgeting and
Other Financial Management Activities (Cont'd)

Department; this authority specifically includes certification of year-end accounting report;

h. With respect to Agency financial reporting, to advise and provide direction to Region IV program managers of financial management matters;

i. To exercise human resource authorities identified in the Chief Financial Officers Act of 1990 and OMB implementing guidance. Specifically, provide to Region IV policy advice on the qualifications, recruitment, performance, training and retention of financial management personnel to ensure a cadre of qualified financial management professionals throughout the Agency;

j. To designate certifying officers for payments, and Region IV officials to receive Treasury checks and bonds;

k. To determine when debts due EPA by employees which arise from erroneous payments will be recovered through involuntary installments deductions from the employee's salary in accordance with 5 U.S.C. § 5514 and § 5584, and 40 CFR Subpart C, and any other authorities authorized under the provision;

l. To designate imprest fund cashiers;

m. To approve permanent exceptions or waiver requests to exceed the routine per-transaction spending limitation of \$500 for payments made from the imprest fund;

n. To approve emergency, one-time exceptions for a single transaction payment made from the imprest fund, not to exceed \$750;

o. To authorize waivers to permit imprest funds to be placed in depository accounts for demand case withdrawal purposes only;

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-16. Agency Chief Financial Officer/Accounting, Budgeting and
Other Financial Management Activities (Cont'd)

p. To authorize partial/emergency salary payments.

2. TO WHOM DELEGATED.

These authorities are redelegated through the Assistant Regional Administrator, Office of Policy and Management to the Regional Comptrollers and Financial Management Officers (FMO's).

3. LIMITATIONS.

a. The EPA Claims Officer in the Office of General Counsel must be consulted on determinations to recover debts through involuntary installment deductions from the employee's salary which arise from erroneous payments (subparagraph 1.k), if the employee disputes either the entire determination or the amount owed to EPA.

b. None of these authorities should be interpreted to infringe on the Inspector General's independence, or authority to conduct, supervise, and coordinate audits and investigations relating to EPA programs.

c. In the case of subparagraph 1.k, if the employee disputes either the entire determination or the amount owed EPA, authority to arrange for and consider appeals of EPA's determination of a debt cannot be redelegated further than the Director, FMD.

4. REDELEGATION AUTHORITY.

Further redelegation is not authorized.

Delegation of Authority from the
Regional Administrator

TN 65 (11/8/94)

CHAP 1

MEMORANDUM

SUBJECT: Redelegation of Travel Authority

FROM: Russell L. Wright, Jr.
Assistant Regional Administrator
Office of Policy & Management

TO: File

In accordance with Regional Travel Delegation 1-17-A, dated 10-6-93, I am redelegating my authority to approve travel to the Branch Chief level. Additionally, I am redelegating my authority to approve travel vouchers to the Supervisory level.

Also, attached are certification statements from each Branch Chief/Supervisor accepting the responsibility and the accountability for authorizing travel and approving travel vouchers in accordance with the Federal Travel Regulations and EPA policies and procedures; specifically, Region 4 Directives and all subsequent directives issued by the Regional Comptroller.

Attachments:
Certification Statements

cc: J. Bramlett, Regional Comptroller


K. Mills

8/13/03


K. Berrien

R. Wright



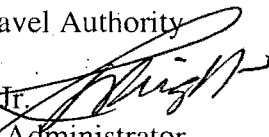
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 19 2003

MEMORANDUM

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Office of Policy & Management

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Attachments:

Certification Statements

cc: J. Bramlett, Regional Comptroller

	TRAVEL AUTHORITIES	TRAVEL AUTH. OFFICIAL	RE-DEL.
1.	CONUS TDY travel	Div Dir	Branch Chief
2.	Actual subsistence in advance of travel	Div Dir	No
3.	Use of non-contract carriers	Div Dir	Branch Chief
4.	Use of Annual Leave w/travel	Div. Dir.	Branch Chief
5.	Emergency travel due to illness, injury, or a personal emergency	Div. Dir.	Branch Chief
6.	Travel vouchers	Div. Dir.	Super-visor
7.	Actual Subsistence After-the-Fact	ARA for OPM	No
8.	Extended TDY (more than 30 days)	ARA for OPM	No
9.	PCS, IPA, first duty moves	ARA for OPM	No
10.	Extensions to PCS/first post of duty and related items, such as ext to real estate transactions, TQs, storage, and blanket TAs	Reserved to the RA	No
11.	Retreats outside the local travel area	ARA for OPM	No

Attachment

CERTIFICATION FOR TRAVEL VOUCHER REDELEGATION

As Authority Officer, I will authorize travel vouchers only for travel essential to the Agency's mission. I certify that I will authorize travel vouchers in conformance with Federal Travel Regulations (CFR 41, Chapter 301), of which I have a copy or access to, and EPA policies and procedures; specifically, Region 4 Directives, and all subsequent directives issued by the Regional Comptroller.

As Authorizing Officer, I further recognize my accountability for authorizing only appropriate travel allowances. I realize this redelegation can be withdrawn.



Signature

Edward Springer, Jr., Chief, Grants, IAG & Audit Management Section

Name/Title



Date

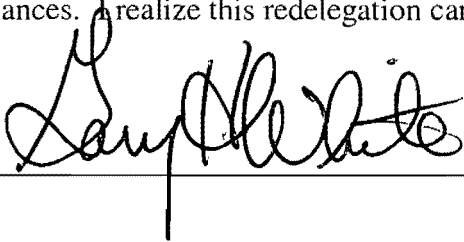
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Matrix - Approval Levels

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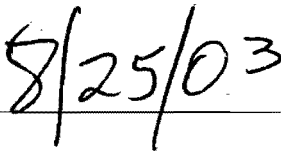
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Signature

Gary H. White, Chief, Facilities Management Branch

Name/Title



Date

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Patty J. Bettencourt
Signature

Patty J. Bettencourt, Chief, Budget Section
Name/Title

8/22/03
Date

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Carol A. Williams
Signature

Carol A. Williams, Chief, Financial Management Section
Name/Title

8-21-03
Date

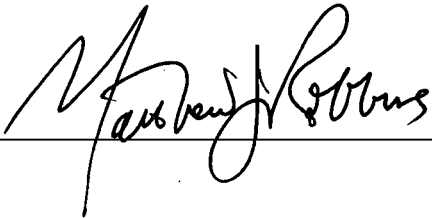
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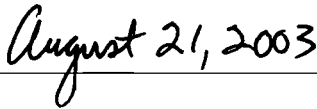
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Signature



Matthew J. Robbins, Chief, Grants & Procurement Branch
Name/Title

Date



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Phyllis G. Mann

Signature

Phyllis G. Mann, Chief, GIS & Information Resources Section

Name/Title

20 Aug 03

Date

Attachment:

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Freda M. Lockhart
Signature

Freda M. Lockhart, EEO Officer, Office of Civil Rights
Name/Title

8/20/03
Date

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Signature

Cory W. Berish

Cory W. Berish, Chief, Planning & Analysis Branch

Name/Title

Date

8-22-2003

Attachment:

Matrix - Approval Levels

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Kelly A. Sisario 8/20/03
Signature

Kelly A. Sisario, Acting Chief, Facilities Management Branch
Name/Title

8/20/03
Date

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Ronald L Barrow
Signature

Ronald L. Barrow, Chief, Information Management Branch
Name/Title

8-20-2003
Date

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As Authorizing Officer, I further recognize my accountability for authorizing only appropriate travel allowances. I realize this redelegation can be withdrawn.

Keith R. Mills
Signature

Keith R. Mills, Chief, Procurement Section
Name/Title


8/19/03
Date

Attachment:
Matrix - Approval Levels

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Signature

Steve L. Prince, Chief, Human Resources Management Branch
Name/Title

8/20/03

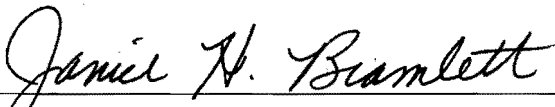
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Signature

Janice H. Bramlett, Chief, Comptroller Branch

Name/Title

8/22/03

Date

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Matrix - Approval Levels

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As Authorizing Officer, I further recognize my accountability for authorizing only appropriate travel allowances. I realize this redelegation can be withdrawn.

Connie W. Dempsey

Signature

Connie W. Dempsey, Chief, Cost Recovery Section

Name/Title

8/22/03

Date

Attachment:

Matrix - Approval Levels

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-21. Federal Register

1. AUTHORITY.

To sign and submit the Region IV documents listed below for publication in the Federal Register:

a. Proposed and Final Rulemaking documents which correct previously published documents, make nonsubstantive changes to previously published documents, amend or change regulations without affecting their stringency, applicability, burden of compliance, or compliance costs;

b. General Notices, including but not limited to, notices of committee meetings; public hearings; availability of publications, reports, and guidelines; receipt of test data; filings; and application, registration, or certification information;

c. Proposed State Implementation Plans, including revisions and compliance schedules; and

d. Notices of Proposed Rulemaking under Section 111(d) of the Clean Air Act, as amended, 42 U.S.C. § 7411(d).

2. TO WHOM DELEGATED.

a. The authority in 1.a above is delegated to the Deputy Regional Administrator.

b. The authority in 1.b above is delegated to the Assistant Regional Administrator, Office of Policy and Management and the Regional Division Directors.

c. The authority in 1.c above is delegated to the Deputy Regional Administrator.

d. The authority in 1.d above is delegated to the Deputy Regional Administrator.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-21. Federal Register (Cont'd)

3. LIMITATIONS.

a. Documents signed by the above officials must be submitted to the Federal Register Officer in the Office of Policy, Planning and Evaluation who is responsible for assuring compliance with the requirements of the Regulatory Flexibility Act (5 U.S.C. § 601 et seq.), the Paperwork Reduction Act (44 U.S.C. § 3501 et seq.), and Executive Order 12291; and releasing all documents to the Office of the Federal Register for publication.

b. The Administrator reserves the authority to sign Advance Notices of Proposed Rulemaking (excepting those pursuant to Section 4(a) and (b) of the Toxic Substances Control Act) and Notices of Intent to Issue Rulemaking.

4. REDELEGATION AUTHORITY.

This authority may not be redelegated.

Delegation of Authority from the
Regional Administrator

TN 65 (11/8/94)

CHAP 1

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-44. Changes in Organizational Structure

1. AUTHORITY.

To review and approve changes in the structure, geographic location, title, or reporting relationship of Region IV organizations.

2. TO WHOM DELEGATED.

To Assistant Regional Administrator, Office of Policy and Management and Regional Division Directors.

3. LIMITATIONS.

This authority is limited to changes at or below the branch level or equivalent, in accordance with Agency classification, staffing, and position management guidelines.

4. REDELEGATION AUTHORITY.

This authority may not be redelegated.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-48. Request for Information from Other Federal Agencies

1. AUTHORITY.

To request information from other Federal agencies.

2. TO WHOM DELEGATED.

To Assistant Regional Administrator, Office of Policy and Management and Regional Division Directors.

3. REDELEGATION AUTHORITY.

This authority may not be redelegated.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-60. Pollution Prevention Grants and Agreements

1. PURPOSE.

To approve grants or cooperative agreements to non-state entities for pollution prevention activities or to state entities for the establishment, support, or expansion of nationally significant multi-media research or demonstration projects related to innovative approaches to pollution prevention, where authorized under the following statutes: Section 8001(a) of the Solid Waste Disposal Act (SWDA); section 104(b)(3) of the Clean Water Act (CWA); section 1442(b)(3)(c) of the Safe Drinking Water Act (SDWA); section 103(b) and (g) of the Clean Air Act (CAA); section 10 of the Toxic Substances Control Act (TSCA); and section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

2. TO WHOM DELEGATED.

To Assistant Regional Administrator, Office of Policy and Management and Regional Division Directors.

3. REDELEGATION AUTHORITY.

This authority may not be redelegated.

4. LIMITATIONS.

Each agreement approved under this delegation must be consistent with the Federal Grant and Cooperative Agreement Act of 1977, Public Law 95-224, as amended, 31 U.S.C. § 6301 et. seq. The Regional Pollution Prevention Office should be consulted prior to approval of the grant or cooperative agreement.

5. ADDITIONAL REFERENCES.

a. Guidance on Use of Grant/Cooperative Agreement Funds for Pollution Prevention; 40 CFR Parts 30, 31, and 33; the EPA Assistance Administration Manual; December 2, 1992 OARM

Delegation of Authority from the
Regional Administrator

TN 65 (11/8/94

CHAP 1

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-60. Pollution Prevention Grants and Agreements (Cont'd)

Memorandum, "When to Use Contracts or Cooperative Agreements and Grants."

- b. See delegation 1-14 for execution authority.

Delegation of Authority from the
Regional Administrator

TN

65 (11/8/94)

CHAP 1

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-61. State/EPA Data Management Grants and Cooperative Agreements

1. AUTHORITY.

To approve grants and cooperative agreements for States, local governments, federally recognized tribal entities, universities and colleges to establish or expand innovative environmental data management programs as authorized under the following:

- a. Clean Water Act, Section 104(b)(3);
- b. Clean Air Act, Section 103(b)(3);
- c. Solid Waste Disposal Act, Section 8001;
- d. Toxic Substances Control Act, Section 10;
- e. Safe Drinking Water Act, Section 1442;
- f. Federal Insecticide, Fungicide, and Rodenticide Act, Section 20; and
- g. Comprehensive Environmental Response, Compensation and Liability Act, Section 311(c).

2. TO WHOM DELEGATED.

Assistant Regional Administrator, Office of Policy and Management.

3. REDELEGATION AUTHORITY.

This authority may not be redelegated.

4. ADDITIONAL REFERENCES.

- a. 40 CFR Parts 30, 31, and 33; and
- b. See delegation 1-14 for execution authority.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-71. Multi-Media Grants (now entitled Indian Environmental General Assistance Act of 1992) for Federally Recognized Indian Tribes

1. AUTHORITY.

To approve multi-media (general assistance to enable a tribe to build capacity) grants to federally recognized Indian tribes for the development of multi-media environmental programs, as authorized under 42 U.S.C. § 4368(b).

2. TO WHOM DELEGATED.

Assistant Regional Administrator, Office of Policy and Management.

3. REDELEGATION AUTHORITY.

This authority may not be redelegated.

4. ADDITIONAL REFERENCES.

a. 40 CFR Parts 31 and 35.

b. See Delegation 1-14 for execution authority.

Delegation of Authority from the
Regional Administrator

TN 65 11/8/94)

CHAP 1

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-74. Environmental Education Grants and Cooperative Agreements
under Section 6 of the National
Environmental Education Act of 1990

1. AUTHORITY.

a. To approve grants and cooperative agreements to local education agencies, colleges or universities, State education or environmental agencies, not-for-profit organizations, or non-commercial educational broadcasting entities for the purpose of designing, demonstrating, or disseminating practices, methods, or techniques related to environmental education and training pursuant to Section 6 of the Act.

b. To waive the requirement for a non-Federal share of a proposed project where it is determined that the proposed project merits support and cannot be undertaken without a higher rate of Federal support, including full Federal funding, pursuant to Section 6 of the Act.

2. TO WHOM DELEGATED.

Assistant Regional Administrator, Office of Policy and Management.

3. LIMITATIONS.

a. Approval for awards must comply with criteria and stipulations within the National Environmental Education Act of 1990; applicable provisions of 40 CFR Parts 30, 31, 33, and 47; other applicable program-specific regulations; and guidance issued by the Associate Administrator for Communications, Education, and Public Affairs.

b. The authority delegated to the Assistant Regional Administrator is limited to:

(1) Grants of \$25,000 or less, unless the concurrence of the associate Administrator for Communications, Education, and Public Affairs is obtained.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-74. Environmental Education Grants and Cooperative Agreements
under Section 6 of the National
Environmental Education Act of 1990 (Cont'd)

(2) Issuance of grants to applicants within the area
of responsibility or jurisdiction.

c. Approval for awards must comply with annual guidance
issued by the Associate Administrator for Communications,
Education, and Public Affairs to ensure that 25 percent of funds
obligated under Section 6 is for grants of not more than \$5,000.

4. REDELEGATION AUTHORITY.

This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

a. See delegation 1-14 for execution authority.

b. Program guidance on the objectives of the Section 6
grants program and the issuance of grants, as well as exercise of
the waiver authority in paragraph 1(b) above, issued by the
Associate Administrator for Communications, Education, and Public
Affairs.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-75. Grants and Cooperative Agreements for Studies,
Investigations, and Surveys Related to
Environmental Education and Public Affairs

1. AUTHORITY.

To approve multimedia grants and cooperative agreements to public and private agencies, organizations, and institutions; to colleges, universities, and other institutions of higher education; and to private persons and individuals, where the above entities are authorized under the Acts and Sections listed below, for special studies, investigations, and surveys for the purpose of environmental education, and for public affairs as collectively authorized under the following Acts and Sections:

- a. Clean Water Act, Section 104;
- b. Federal Insecticide, Fungicide, and Rodenticide Act, Section 20;
- c. Clean Air Act, Section 103;
- d. Solid Waste Disposal Act, Section 8001;
- e. Marine Protection, Research, and Sanctuaries Act, Section 203;
- f. Comprehensive Environmental Response, Compensation, and Liability Act, Section 311;
- g. Safe Drinking Water Act, Section 1442; and
- h. Toxic Substances Control Act, Section 10.

2. TO WHOM DELEGATED.

To Assistant Regional Administrator, Office of Policy and Management and Regional Division Directors.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-75. Grants and Cooperative Agreements for Studies,
Investigations, and Surveys Related to
Environmental Education and Public Affairs (Cont'd)

3. LIMITATIONS.

a. This authority is limited to multi-statute grants and cooperative agreements. Single-statute grants and cooperative agreements are not authorized under this delegation, but may be available to these and other delegates in other statute-specific delegations.

b. The Regional Environmental Education Office should be consulted prior to approval of the grant or cooperative agreement. Where more than one Division is funding the agreement, the Approving Official must obtain the concurrence of the co-sponsoring Division(s).

c. Proposed grants and cooperative agreements involving profit-making organizations require the concurrence of the General Counsel, or his/her designee.

4. REDELEGATION AUTHORITY.

This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

a. 40 CFR Parts 30, 31 and 33; and

b. See delegation 1-14 for execution authority.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-86. Survey, Demonstration, Training, and Research Grants and Cooperative Agreements Related to Environmental Equity Activities

1. AUTHORITY.

To the extent authorized, to approve multi-statute grants and cooperative agreements for survey, demonstration, training, and research in areas related to environmental equity programs and activities under the following statutes:

- a. Clean Water Act, Section 104 (b);
- b. Safe Drinking Water Act, Section 1442 (b)(3);
- c. Solid Waste Disposal Act, Section 8001 (a);
- d. Clean Air Act, Section 103 (b) (3);
- e. Toxic Substances Control Act, Section 10 (a);
- f. Federal Insecticide, Fungicide, and Rodenticide Act, Section 20 (a);
- g. Comprehensive Environmental Response, Compensation, and Liability Act, Section 111 (c)(10);
- h. Marine Protection, Research, and Sanctuaries Act, Section 203 and;
- i. National Environmental Education Act, Section 6.

2. TO WHOM DELEGATED.

Assistant Regional Administrator, Office of Policy and Management.

3. REDELEGATION AUTHORITY.

This authority may not be redelegated.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-86. Survey, Demonstration, Training, and Research Grants and Cooperative Agreements Related to Environmental Equity Activities
(Cont'd)

4. LIMITATIONS.

a. The Assistant Administrator for Research and Development must be consulted on all research-related grants and cooperative agreements to institutions of higher learning.

b. The Director of the Environmental Education Division, Office of Communications, Education and Public Affairs, must be consulted on all grants or cooperative agreements under Section 6 of the National Environmental Education Act.

c. Each instrument approved under this authority must be consistent with the Federal Grant and Cooperative Agreements Act of 1977 (FGCA), Public Law 95-224, as amended, 31 U.S.C. Section 6301 et seq.

d. This authority is limited to multi-statute grants and cooperative agreements. Single-statute grants and cooperative agreements are not authorized under this delegation, but may be available to these and other delegates in other statute-specific delegations.

e. Each assistance agreement approved under this authority must be reported to the Director of the Office of Environmental Equity to allow for the tracking and coordination of the Agency's environmental equity program.

5. ADDITIONAL REFERENCES.

a. 40 CFR Parts 30, 31, 33, 40, 45, and 47; the Assistance Administration Manual.

b. See delegation 1-14 for execution authority.

Delegation of Authority from the
Regional Administrator

TN 65 (11/8/94)

CHAP 1

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 1
GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

DELEGATIONS

1-86. Survey, Demonstration, Training, and Research Grants and
Cooperative Agreements Related to Environmental Equity Activities
(Cont'd)

c. Federal Grant and Cooperative Agreements Act of 1977
(FGCA), Public Law 95-224, as amended, 31 U.S.C. Section 6301 et
seq.

d. December 2, 1992, Memorandum from the Assistant
Administrator for Administration and Resources Management, on
"When to Use Contracts or Cooperative Agreements and Grants."

Delegation of Authority from the
Regional Administrator

TN

(11/8/94)

CHAP 1

CHAPTER 2 -

CLEAN WATER ACT

- 2-2. Operator Training Grants
- 2-3. State Program Grants and State Program Submittals
- 2-5. State Certification for Construction Grants
- 2-6. Construction Grants
- 2-9. Areawide Plans
- 2-10. Water Quality Standards
- 2-11. Waste Loads
- 2-12. State Continuing Plans
- 2-13. Inspection and Information Gathering
- 2-14. State Construction Grants System and Project Priority List
- 2-15. Sole Source Noncompetitive Procurement
- 2-16. Clean Lakes Program
- 2-17. Thermal Discharge
- 2-18. Aquaculture
- 2-19. Federal License or Permits
- 2-20. National Pollutant Discharge Elimination System (NDPES)
- 2-21. Monitoring State Permit Program
- 2-22. Administrative Enforcement Actions
- 2-23. NPS Program Assistance Under Section 205
(j) (5)

CHAPTER 2 (Cont'd)

- 2-24. Sewage Sludge Permit Program
- 2-29. Spill Prevention Control and Countermeasure Plan
- 2-32
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2-42. National Estuary Program Assistance
- 2-43. Section 404 Dredged and Fill Material Permitting
- 2-45. Water Quality Management Planning Grants
- 2-51. Section 309(g) Class I Administrative Penalty Actions
- 2-52-A. Class II Administrative Penalty: Initiation of Actions; Public Notice; Consultation with State; Negotiation and Signing Consent Agreements; and Assessing Penalties
- 2-52-B. Class II Administrative Penalty: Agency Representation in the Hearing; Initiating Internal Appeals of Adverse Determinations; and Representing Agency in Appeals
- 2-53. Assistance Agreements for Near Coastal Waters (NCW) Activities
- 2-55. Water Quality Management Planning grants Under Section 205 (j) (2)
- 2-57. Nonpoint Source Assessment Reports and Management Programs
- 2-58. Nonpoint Source Assessment Reports Not Submitted by States
- 2-60. Provision of Technical Assistance to States
- 2-62. Financial Assistance for Development and Implementation of State Nonpoint Source Management Programs
- 2-63. Collection and Dissemination of Information on NPS Management Practices and Implementation Methods

CHAPTER 2 (Cont'd)

- 2-71. State Program Grants and State Work Program Submittal
- 2-73. Assistance Agreements for Ground Water Quality Protection
- 2-74. State Administrator Grants (Section 205(g))
- 2-75. Marine CSO Grants
- ~~2-80~~ 2-84. NPDES Related State Program Support Grants
- 2-85. Administrative Orders Under Section 311(e) of the Clean Water Act
- 2-86. Facility Response Plans
- 2-87. Equipment Inspections
- 2-88. Tests of Facility Removal Capability
- 2-89. Removal of Discharge or Threat of Discharge
- 2-91. Area Committee Designation and Preparation and Review of Area Contingency Plans

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-2. Operator Training Grants

1. AUTHORITY. To approve grants or cooperative agreements for training personnel of existing and future treatment works and related activities pursuant to Section 104(g)(1) of the Clean Water Act.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-3. State Program Grants and State Program Submittals

1. AUTHORITY. To approve grants for State pollution control programs and to approve annual State program submittals pursuant to the Clean Water Act, Section 106.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. 40 CFR 130; 40 CFR 35, Subpart A; and 40 CFR Part 30.

F

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-5. State Certification for Construction Grants

1. AUTHORITY. To approve and execute written agreements with appropriate State agencies within the Region for certification by the State of the technical and/or administrative adequacy of certain documents relating to wastewater treatment facility construction applications pursuant to Title II of the Clean Water Act, as amended.

2. TO WHOM DELEGATED.

a. The authority for signing the initial agreements remains with the Regional Administrator and may not be redelegated.

b. Authority to amend the agreements is delegated to the Director, Water Management Division.

3. REDELEGATION AUTHORITY. Further redelegation is not authorized.

4. ADDITIONAL REFERENCES. CWA, Section 205(g), 40 CFR 35.2042, 40 CFR Part 35 Subpart J; "Construction Grants Delegation and Overview Guidance."

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-9. Areawide Plans

1. AUTHORITY. To approve areawide waste treatment management plans pursuant to the Clean Water Act (CWA), Section 208(b), and to consult and to provide technical assistance pursuant to the CWA, Section 208(g).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. 40 CFR 130.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-10. Water Quality Standards

1. AUTHORITY. To approve water quality standards pursuant to FWPCA, as amended, Section 303(a) and (c).
2. TO WHOM DELEGATED.
 - a. The authority to sign disapprovals remains with the Regional Administrator.
 - b. The authority to sign approvals is delegated to the Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-12. State Continuing Plans

1. AUTHORITY. To approve State continuing planning processes and plans developed pursuant to the Clean Water Act (CWA), Section 303(e).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. 40 CFR 130.

Delegation of Authority from the
Regional Administrator

2-13. Inspections and Information Gathering

1. **AUTHORITY.** Pursuant to Sections 308 and 311 of the Clean Water Act (CWA), the authority to:
 - a. Enter into, upon or through any premises subject to the CWA, or in which records required to be maintained under the CWA are located; have access to and copy records; take samples, and inspect monitoring equipment and methods.
 - b. Require the owner or operator of any point source to establish and maintain records; make reports; install, use and maintain monitoring equipment; sample effluents; and provide information.
 - c. Carry out or require the carrying out of any other inspection and information gathering activities authorized by CWA.
 - d. Obtain and execute warrants for the purposes of performing an inspection or information gathering.
 - e. Designate representatives of the Administrator to perform the functions specified in paragraphs 1.a-1.d.
2. **TO WHOM DELEGATED.**
 - a. Through the Director, Water Management Division to the Chief, Water Programs Enforcement Branch; through the Director, RCRA Division to the Chief, RCRA & OPA Enforcement and Compliance Branch; through the Director, Superfund Division to the Chief, Emergency Response & Removal Branch; Director, Environmental Services Division; and Regional Counsel.
 - b. The authorities specified in 1.a are also delegated to authorized employees and contractor representatives.
 - c. The authority specified in 1.d and the authority in 1.c to carry out any other inspection and information gathering activities authorized by the CWA are also delegated to authorized employees.

Delegation of Authority from the
Regional Administrator

2-13. Inspections and Information Gathering (cont'd)

3. **LIMITATIONS.** The delegates of the Regional Administrator must consult with the Regional Counsel or his/her designee prior to obtaining warrants.
4. **REDELEGATION AUTHORITY.** Further redelegation is not authorized.
5. **ADDITIONAL REFERENCES.** Sections 308 and 311 of the CWA, 33 U.S.C. §§ 1318 and 1321, and regulations developed thereunder.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
FEDERAL WATER POLLUTION CONTROL ACT
AS AMENDED

DELEGATIONS

2-16. Clean Lakes Program

1. AUTHORITY. To approve lake water quality assessment reports submitted under Section 314(a)(1) under the Clean Water Act (CWA), as amended and approve assistance agreements for lake restoration projects under the Clean Lakes program pursuant to Section 314(b) of the Clean Water Act.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. CWA, Section 314(a)(1); 40 CFR Parts 31 and 35, Subpart H; and Guidance issued by the Assistant Administrator for Water; the Assistance Administration Manual; Policy on Performance-Based Assistance, May 1985; Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrators under Delegation 1-14, "Assistance Agreements."

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-18. Aquaculture

1. AUTHORITY. To issue permits for aquaculture projects pursuant to the Clean Water Act (CWA), Section 318(a).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

DELEGATIONS

CHAPTER 2
CLEAN WATER ACT

2-22. Administrative Enforcement Actions

1. AUTHORITY. Pursuant to the Clean Water Act (CWA): to make findings of violation; to issue and serve notices of violation; to issue and obtain service of orders; to send copies of any orders issued to appropriate States; and to confer with persons to whom an order is issued.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Only the authority to confer with persons to whom an order has been issued may be redelegated further.
4. ADDITIONAL REFERENCES. Section 309 of CWA; 40 CFR 122-125.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-23. NPS Program Assistance Under Section 205(j)(5)

1. AUTHORITY. To approve grants or cooperative agreements under Section 205(j)(5) for nonpoint source program development and implementation.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. CWA, Section 319(h); 40 CFR 130; 40 CFR Part 30; 40 CFR Part 33; Nonpoint Source Guidance, July 1987. Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrators under Chapter 1 delegation 1-14, "Assistance Agreements."

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-32. Clean Lakes - Lake Restoration

1. AUTHORITY. To administer existing grants for lake restoration projects under the "Clean Lakes" program pursuant to the Clean Water Act (CWA), Section 104 (h).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. LIMITATIONS. This authority is limited to the administration of existing grants and the award of grant increases in accordance with guidance issued by the Assistant Administrator for Water. It does not authorize the award of new grants under Section 104(h). Approval of any deviations from the regulations or an amendment to a grant must be authorized by the Office of Administration and Resources Management with the approval of the Office of Water.
4. REDELEGATION AUTHORITY. Further redelegation is not authorized.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-38. Water Pollution Control - General Training

1. AUTHORITY. To approve grants or cooperative agreements with State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals for research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of pollution as authorized by Section 104(b)(3) of the Clean Water Act.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. 40 CFR Parts 30, 31, and 33; "Assistance Administration Manual;" and Delegation 1-14, which delegates the authority to award (sign/execute) grant/cooperative agreements.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-39. Water Pollution Control - Professional Training Assistance

1. AUTHORITY. To approve grants or cooperative agreements to public or private agencies and institutions and to individuals for training projects; and for training in technical matters relating to the causes, prevention, reduction and elimination of pollution for personnel of public agencies and other persons with suitable qualifications, pursuant to Section 104(g)(3)(A) and 104(g)(3)(C) of the Clean Water Act.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. 40 CFR Part 45.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-41. Water Pollution Control Technical Training Assistance

1. AUTHORITY. To approve grants or cooperative agreements with institutions of higher education, or combinations of such institutions, to plan, develop, strengthen, improve or conduct training programs or projects to prepare undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other water quality control facilities as authorized by Sections 109(a) and 110 of the Clean Water Act and to approve scholarships to undergraduates planning to enter an occupation involving the operation and maintenance of treatment works as authorized by Section 111 of the Clean Water Act.

2. TO WHOM DELEGATED. Director, Water Management Division.

3. REDELEGATION AUTHORITY. Further redelegation is not authorized.

4. ADDITIONAL REFERENCES. 40 CFR Part 45, "Training Assistance;" "Assistant Administration Manual;" and Delegation of Authority 1-14, which delegates the authority to award (sign/execute) grant/cooperative agreements.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-42. National Estuary Program Assistance

1. AUTHORITY. To approve grants or cooperative agreements to carry out projects under the National Estuary Program pursuant to Section 320(g) of the Clean Water Act, as amended. These projects include research, surveys, studies, modeling and other technical work necessary for the development of comprehensive conservation and management plans.

2. TO WHOM DELEGATED. Director, Water Management Division.

3. LIMITATIONS.

a. The Division Director may exercise this authority for estuaries having Annual Work Plans approved by a Management Conference convened by the Administrator and in accordance with the National Estuary Program policy, guidance, and criteria.

b. The Division Director's authority is specific to activities identified in approved Annual Work Plans based on 5-year Work Plans established as part of State/EPA Conference Agreements approved by the Management Conference.

c. Approval of any research project by a Division Director will be given only with the assurance that recipients, when conducting such projects, will use research protocols commensurate with those developed by the Office of Research and Developments.

4. REDELEGATION AUTHORITY.

a. Further redelegation is not authorized.

5. ADDITIONAL REFERENCES. 40 CFR Parts 30, 31, 33, 35, and 40; any policy or guidance developed for the National Estuary Program; Policy on Performance-Based Assistance, May 1985; and the Assistance Administration Manual. Authority to execute (sign) these assistance agreements is delegated to the Regional Administrators and the Assistant Administrator for Water under Delegation 1-14 "Assistance Agreements."

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-43. Section 404 Dredged and Fill Material Permitting

1. AUTHORITY.

a. To approve grants pursuant to Section 104(b)(3) of the Clean Water Act for research, investigations, experiments, training, demonstrations, surveys and studies related to development of wetland protection programs, including those programs to issue permits for disposal of dredged or fill material (Section 404(g));

b. To review, comment on and/or object to applications for State permits in a State with an approved assumed Section 404 permit program (Section 404(j));

c. To approve or deny State program submissions (Section 404(h));

d. To approve or deny revisions to approved State programs (Section 404(h));

e. To review and comment on Corps of Engineers Section 404 public notices (Section 404(g));

f. To make final determinations of geographic jurisdiction and applicability of Section 404(f) (MOA);

2. TO WHOM DELEGATED.

a. The authority in paragraph 1.a. is retained by the Regional Administrator. See limitations below.

b. The authorities in paragraphs 1.c., 1.d. and 1.e. are delegated to the Director, Water Management Division. See limitations below.

REGIONAL DELEGATION

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-43. Section 404 Dredged and Fill Material Permitting (Cont'd)

2. TO WHOM DELEGATED (cont.).

c. The authorities in paragraphs 1.b. and 1.f. are delegated to:

- 1). Chief, Wetlands, Coastal, & Water Quality Branch;
- 2). Chief, Wetlands Section; and
- 3). Chief, Coastal & Surface Water Quality Grants (SWQG) Section.

See limitations below.

3. LIMITATIONS.

a. The Regional Administrator may exercise the authority under paragraph 1.a. for research, investigations, experiments, training, demonstrations, surveys and studies having Regional applicability (e.g., development of public education material for a particular State wetlands protection program, development of wetlands evaluation techniques designed for a specific wetlands type found in one Region, etc.).

b. The Regional Administrator is delegated authority under paragraph 1.b to transmit the consolidated federal comment on a State permit application in an approved, assumed State program. This initial comment letter transmitting the consolidated federal comment to the appropriate State permitting agency is referred to as the "A" letter.

c. The Regional Administrator is delegated authority under paragraph 1.b to send letters to the appropriate State permitting agency, either sustaining or removing an outstanding federal objection. This letter either sustaining or removing an outstanding federal objection is referred to as the "B" letter. Concurrence by the Assistant Administrator for Water is required (1) on the first three "B" letters in a Region sustaining an objection to the State's permit decision, thus transferring the permit to the Corps of Engineers, and (2) on the first three "B" of the Corps of Engineers, Fish and Wildlife Service and/or National Marine Fisheries Service.

REGIONAL DELEGATION

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-43. Section 404 Dredged and Fill Material Permitting (Cont'd)

3. LIMITATIONS (cont.).

d. For permits reviewed after the concurrences in 3.c above are complete, the Region shall keep the Director of the Wetlands Division informed about "A" letters and potential "B" letters in accordance with coordination procedures developed by the Director and the Region.

e. The Regional Administrator must obtain the concurrence of the Assistant Administrator for Water, the Assistant Administrator for Enforcement and Compliance Assurance or designee, and the General Counsel prior to approving State program submissions. Concurrence may be waived by memorandum; however, each waiver must be authorized by the Assistant Administrators for Water and Enforcement and Compliance Assurance and the General Counsel. The Regional Administrator is responsible for maintaining a record of any waivers of this limitation and sending a copy of the waiver to the Management and Organization Division.

f. Concurrence by the Assistant Administrator for Enforcement and Compliance Assurance or designee is only required when these permits involve enforcement issues.

4. REDELEGATION AUTHORITY.

a. The authority in paragraph 1.a that is delegated to the Regional Administrators, and the authorities in paragraphs 1.c and 1.d may be redelegated to the appropriate Division Director within each Region and may not be redelegated further.

b. The authority in paragraph 1.b to send the coordinated federal comment ("A" letter) to the State permitting agency may be redelegated to the appropriate Section Chief in each Region and may not be redelegated further.

REGIONAL DELEGATION

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-43. Section 404 Dredged and Fill Material Permitting (Cont'd)

4. REDELEGATION AUTHORITY (cont.).

c. The authority in paragraph 1.b to send the letter sustaining the outstanding federal objection ("B" letter) may not be redelegated; the authority to send the letter removing the outstanding federal objection ("B" letter) may be redelegated to the appropriate Division Director in each Region and may not be further redelegated further.

d. The authorities in paragraph 1.e may be redelegated to the Regional Wetlands Coordinator (or equivalent) within each Region and may not be redelegated further.

5. ADDITIONAL REFERENCES.

- a. 40 CFR Parts 30 and 31.
- b. EPA Order 1000.23.
- c. Memorandum of Agreement between the Department of the Army and the Environmental Protection Agency concerning the determination of the geographic jurisdiction of the Section 404 program and the application of the exemptions under Section 404(f) of the Clean Water Act, dated January 19, 1989.

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-45. Water Quality Management Planning Grants

1. AUTHORITY. To approve grants for water quality management planning under Section 205(j).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. 40 CFR 130; 40 CFR Part 35, Subpart A.

Delegation of Authority from the
Regional Administrator

2-51: Class I Administrative Penalty Actions

1. **AUTHORITY.** Pursuant to Sections 309(g) and 311 of the Clean Water Act (CWA), authority is hereby granted to:

- a. Act as the complainant in a Class I administrative penalty action under the CWA.
- b. Conduct proceedings, recommend the form of final Agency action, issue subpoenas and perform all the presiding officer functions set forth in applicable Agency guidance or regulations governing the administration of Class I administrative penalty actions under the CWA.
- c. Represent the complainant before a presiding officer in a Class I administrative penalty proceeding under the CWA.
- d. Issue an order on consent between the Agency and a respondent resulting from the initiation of a Class I administrative penalty action under the CWA.
- e. Act as deciding official in a contested or default Class I administrative penalty action under the CWA, and to assess a penalty in such a proceeding.

2. **TO WHOM DELEGATED.**

- a. The authority in 1.a. is delegated through the Director, Water Management Division to the Branch Chiefs, Water Management Division; and through the Director, RCRA Division to the Chief, RCRA & OPA Enforcement and Compliance Branch.
- b. The authorities in 1.b., 1.d., and 1.e. are delegated to the Regional Judicial Officer.
- c. The authority in 1.c. is delegated through the Regional Counsel to attorneys in the Regional Counsel's office. (Memorandum from Edward E. Reich, Acting Assistant Administrator for Enforcement, to Regional Counsels, Regions I-X, and Enforcement Counsel for Water, dated October 29, 1991.)

Delegation of Authority from the
Regional Administrator

2-51. Class I Administrative Penalty Actions (cont'd)

3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** Further redelegation is not authorized.
5. **ADDITIONAL REFERENCES.**
 - a. Section 309(g) of the CWA, 33 U.S.C. § 1319(g), as amended by the Water Quality Act of 1987; Section 311 of the CWA, 33 U.S.C. § 1321, as amended by the Oil Pollution Act of 1990.
 - b. 40 C.F.R. Part 22.
 - c. Memorandum from Edward E. Reich, Acting Assistant Administrator for Enforcement to Regional Counsels I-X and Enforcement Counsel for Water, dated October 29, 1991.

Delegation of Authority from the
Regional Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Office of Enforcement

Oct. 29, 1991

MEMORANDUM (copy)

SUBJECT: Redelegation of Authority to Represent EPA in Non-EPA
Enforcement Proceedings

FROM: Edward E. Reich
Acting Assistant Administrator for Enforcement

TO: Regional Counsels, Regions I-X
Enforcement Counsel for Water

I hereby redelegate my authority under Delegation 2-51 1.c. to "represent the complainant in a Class I administrative penalty proceeding under the CWA before a presiding officer" for cases arising in the Regions to the Regional Counsels. The Regional Counsels may redelegate this authority further to any Agency attorney.

I hereby redelegate my authority under Delegation 2-51 1.c. to "represent the complainant in a Class I administrative penalty proceeding under the CWA before a presiding officer" for cases arising at Headquarters to the Enforcement Counsel for Water. The Enforcement Counsel for Water may redelegate this authority further to any Agency attorney.

cc: Don Clay, OSWER
LaJuana S. Wilcher, OW
Deputy Regional Administrators, Regions I-X

**2-52-A. Class II Administrative Penalty: Initiation of
Actions; Public Notice; Consultation with States;
Negotiation and Signing Consent Agreements; and
Assessing Penalties**

1. **AUTHORITY.** Pursuant to Sections 309(g) and 311 of the Clean Water Act (CWA) the authority to:
 - a. Make findings of fact; propose the penalty to be assessed; issue, amend, or withdraw Class II administrative complaints;
 - b. Provide, or cause to be provided, public notice of proposed assessment and provide commenters with copies of orders entered on consent or on default;
 - c. Consult with States, as required;
 - d. Sign consent agreements between the Agency and the party against whom a Class II penalty is proposed to be assessed;
 - e. Issue final orders assessing Class II penalties where no hearing is requested by the respondent or pursuant to a consent agreement; and
 - f. Decide petitions by commenters to set aside final orders entered without a hearing and provide copies and/or notice of the decision.
2. **TO WHOM DELEGATED.**
 - a. The authority to issue consent orders under paragraph 1.e. and the authority in paragraph 1.f. are retained by the Regional Administrator and may not be redelegated.
 - b. All other authorities contained herein in paragraphs 1.a., 1.b., 1.c., 1.d., and 1.e. are delegated to the Director, Water Management Division and to the Director, RCRA Division.
3. **LIMITATIONS.**

The Regional Administrator or his/her delegatee must consult with the Regional Counsel or the Regional Counsel's designee and obtain his/her concurrence on the legal sufficiency of documents to be issued before exercising authority 1.a. or 1.d.

Delegation of Authority from the
Regional Administrator

**2-52-A. Class II Administrative Penalty: Initiation of
Actions; Public Notice; Consultation with States;
Negotiation and Signing Consent Agreements; and
Assessing Penalties (cont'd)**

4. REDELEGATION AUTHORITY.

- a. Authorities 1.b. and 1.c. may be redelegated to the staff level.
- b. Persons exercising authority 1.d. may allow other appropriate EPA officers or employees to join as "co" or supplemental signatories.

5. ADDITIONAL REFERENCES.

- a. Sections 309(g) and 311 of the CWA.
- b. EPA Delegation 1-37, Hearings, and EPA Delegation 1-38-A, Administrative Proceedings.
- c. 40 C.F.R. Part 22.

Delegation of Authority from the
Regional Administrator

**2-52-B. Class II Administrative Penalty: Agency
Representation in the Hearing; Initiating
Internal Appeals of Adverse Determinations;
and Representing Agency in Appeals**

1. AUTHORITY.

- a. To represent EPA in Class II civil penalty adjudications conducted under Section 309(g) and 311(b) of the Clean Water Act (CWA);
- b. To initiate internal Agency appeals from orders, rulings or decisions under Sections 309(g) and 311(b) of the CWA; and
- c. To represent the Agency in internal appeals from orders, rulings, or decisions entered in administrative proceedings under Sections 309(g) and 311(b) of the CWA, whether or not initiated by the Agency, and in proceedings initiated by commenters under Section 309(g)(4)(C) of the CWA.

2. TO WHOM DELEGATED.

- a. Authorities 1.a. and 1.c. are delegated through the Regional Counsel to attorneys in the Regional Counsel's office and their managers.
- b. Authority 1.b. is delegated to the Director, Water Management Division, and the Director, RCRA Division.

3. LIMITATIONS.

- a. The Regional Administrator or his/her delegatee and the General Counsel or his/her delegatee shall consult with each other before exercising authority 1.b.
- b. The Regional Administrator or his/her delegatee must obtain concurrence from the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee before initiating an appeal.
- c. The Regional Administrator or his/her delegatee shall consult with the Assistant Administrator for Enforcement and Compliance Assurance or his/her delegatee any time he/she does not recommend an appeal of an adverse decision.

4. REDELEGATION AUTHORITY. Further redelegation is not authorized.

Delegation of Authority from the
Regional Administrator

**2-52-B. Class II Administrative Penalty: Agency
Representation in the Hearing; Initiating
Internal Appeals of Adverse Determinations;
and Representing Agency in Appeals (cont'd)**

5. ADDITIONAL REFERENCES.

- a. Section 309(g) and 311 of the CWA.
- b. 40 C.F.R. Part 22.
- c. EPA Delegation 1-37, Hearings, and EPA Delegation 1-38-A, Administrative Proceedings.
- d. OECA memo entitled "Revised Procedures to Strengthen Enforcement Program's Advocacy in Environmental Appeals Board Matters," dated August 7, 2000.
- e. OECA memo entitled "OECA/Regional Procedures for Civil Judicial and Administrative Enforcement Case Redelegation," dated November 8, 1994.
- f. OECA memo entitled "Delegated Water Cases and Criteria for Delegation," dated November 1, 1994.
- g. OECA memo entitled "Implementation of the July 14 Case Redelegations for Multimedia Cases," dated October 31, 1994.
- h. OECA memo entitled "Redelegation of Authority and Guidance on Headquarters Involvement in Regulatory Enforcement Cases," dated July 11, 1994.

Delegation of Authority from the
Regional Administrator

2-53. Assistance Agreements for Near Coastal
Waters (NCW) Activities

1. AUTHORITY. To approve grants or cooperative agreements to State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals for projects related to improving the environmental conditions of NCW pursuant to Section 104(b)(3) of the Clean Water Act. These projects include national activities to assess the health of near coastal waters, including NCW pilot projects to demonstrate innovative management actions that address identified environmental quality problems, regional NCW assessments, and special Agency initiatives, such as the Gulf of Mexico Initiative. Such NCW activities may or may not include one or more estuaries in the National Estuary Program (NEP) authority of Section 320 of the Clean Water Act.

2. TO WHOM DELEGATED. Director, Water Management Division.

3. LIMITATIONS.

a. The Director, Water Management Division may exercise this authority for NCW pilot projects to demonstrate innovative management actions that address identified environmental quality problems in selected NCW, regional NCW assessments, and other special Agency initiatives such as the Gulf of Mexico Initiative.

b. Awards for NCW activities made by the Director, Water Management Division under this authority cannot directly finance the development of a Comprehensive Conservation and Management Plan (CCMP) under the National Estuary Program.

c. Approval of any research project by the Director, Water Management Division will be given only with the assurance that recipients, when conducting such projects, will use research protocols commensurate with those developed by the Office of Research and Development.

Delegation of Authority from the
Regional Administrator

2-53 - Cont'd

4. REDELEGATION AUTHORITY. Further redelegation is not authorized.

5. ADDITIONAL REFERENCES. 40 CFR Parts 30, 31, 33, and 40; any policy or guidance developed for near coastal waters activities; Policy on Performance-Based Assistance, May 1985 and the Assistance Administration Manual. Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrator for Water under Delegation 1-14, "Assistance Agreements."

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-54. State Capitalization Grants

1. AUTHORITY. To approve grants or the establishment of State Water Pollution Control Revolving Funds (SRF) pursuant to Title VI of the Clean Water Act, as amended and to perform other activities necessary for the administration of the SRF program.

2. TO WHOM DELEGATED.

a. The authority for approving the initial grant agreement with each State pursuant to Section 602 of the Clean Water Act remains with the Regional Administrator and may not be redelegated.

b. Authority to approve amendments to the initial agreements or to approve subsequent agreements is delegated to the Director, Water Management Division.

3. LIMITATIONS. Concurrence by the Office of Wastewater Enforcement and Compliance is required for the following:

a. the first State Capitalization Grant in each Region;

b. all cases in which the State requests an exception to cash draw procedures related to particularly aggressive leveraging proposals or other cases which would involve the draw of cash at a more accelerated rate than specified in the initial SRF guidance; and

c. all grants where the State Revolving Fund will be used to generate the State match.

4. REDELEGATION AUTHORITY. Further redelegation is not authorized.

5. ADDITIONAL REFERENCES. Delegation 1-14, "Assistance Agreements; CWA Section 205(m), 319, 320; 40 CFR Part 31, EPA Assistance Administration Manual; Office of Water Initial Guidance State Water Pollution Control Revolving Funds; additional regulations and guidance as may be issued by the Administrator.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-55. Water Quality Management Planning
Grants Under Section 205(j)(2)

1. AUTHORITY. To approve grants or cooperative agreements to States under Section 205(j)(2) from funds reserved for water quality management planning under Section 205(j)(1) and Section 604(b).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. CWA, Section 205(j)(3); 40 CFR Part 130; 40 CFR Part 30; 40 CFR Part 33; 40 CFR Part 35, Subpart A; Policy on Performance-Based Assistance, May 1985. Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrators under Delegation 1-14, "Assistance Agreements."

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-57. Nonpoint Source Assessment Reports
and Management Programs

1. AUTHORITY. To approve State Nonpoint Source Assessment Reports and Management Programs submitted to EPA pursuant to the Clean Water Act, as amended, Section 319(a), (b), and (c).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. CWA, Section 319(h); Nonpoint Source Guidance, December 1987.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-62. Financial Assistance for Development
and Implementation of State Nonpoint
Source Management Programs

1. AUTHORITY. To approve grants or cooperative agreements² to States under Section 319, using funds reserved under Section 205(j)(5) of the Clean Water Act, as amended, or funds appropriated under Section 319.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. CWA, Section 319, 40 CFR Part 130, 40 CFR Part 30; 40 CFR Part 33; Policy on Performance-Based Assistance, May 1985; Nonpoint Source Guidance, December 1987. Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrators under Delegation 1-14, "Assistance Agreements."

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-63. Collection and Dissemination of Information
on NPS Management Practices and
Implementation Methods

1. AUTHORITY. To collect and make available, through publication and other means, information pertaining to management practices and implementation methods, including information on costs and efficiencies of Best Management Practices, and data on the water quality impacts of Best Management Practices, pursuant to Section 319(1) of the Clean Water Act, as amended.
2. TO WHOM DELEGATED. Director, Water Management Division and authorized employees.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES.
 - a. Section 319(h) of the Clean Water Act.
 - b. Nonpoint Source Guidance, December 1987.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-71. State Program Grants and State
Work Program Submittal

1. AUTHORITY. To approve grants or cooperative agreements to support water pollution control programs of State and Interstate agencies and of Indian tribes treated as States, and to approve annual work program submittal pursuant to Section 106 of the Clean Water Act, as amended.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. CWA, Sections 106 and 518; 40 CFR Part 130; 40 CFR Part 30; 40 CFR Part 35; Policy on Performance-Based Assistance, May 1985; Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrators under Delegation 1-14, "Assistance Agreements."

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-73. Assistance Agreements for Ground Water
Quality Protection

1. AUTHORITY. To approve grants or cooperative agreements to eligible States to carry out activities pursuant to Section 319(i) of the Clean Water Act, as amended.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. LIMITATIONS.
 - a. Activities to be funded must be compatible with the State's Ground Water Protection Strategy.
 - b. Only the Assistant Administrator for Water may allocate funds appropriated for this purpose and only in accordance with policy and criteria established under Section 319(i).
4. REDELEGATION AUTHORITY. Further redelegation is not authorized.
5. ADDITIONAL REFERENCES. Policy on Performance-Based Assistance, May 1985; 40 CFR Parts 30, 35, and 40. Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrators under Delegation 1-14, "Assistance Agreements."

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-74. State Administrator Grants (Section 205(g))

1. AUTHORITY. To approve grants or cooperative agreements to States pursuant to Section 205(g) of the Clean Water Act, as amended, for construction management assistance and for permit and planning assistance.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. Policy on Performance-Based Assistance, May 1985. Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrators under Delegation 1-14, "Assistance Agreements"; 40 CFR 35.2020, 40 CFR 35.2042, 40 CFR Part 35 Subparts A and J, 40 CFR Part 30, 40 CFR Part 33; EPA Assistance Administration Manual; "Construction Grants Delegation and Overview Guidance".

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-75. Marine CSO Grants

1. AUTHORITY. To approve and execute grants from sums reserved under Section 205(1) of the Clean Water Act, as amended, to address water quality problems of marine bays and estuaries resulting from combined sewer overflows (CSOs).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. LIMITATIONS. The authority of the Director, Water Management Division does not include the authority to approve funding priority.
4. REDELEGATION AUTHORITY. Further redelegation is not authorized.
5. ADDITIONAL REFERENCES. 40 CFR Part 30, 40 CFR Part 33, 40 CFR Part 35 Subpart I, EPA Assistance Administration Manual; Marine CSO Guidance; additional regulations and guidance as may be issued by the Administrator.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-80. Grants for Indian Set-Aside Wastewater Treatment Projects

1. AUTHORITY. To approve grants for the development of waste treatment management plans and for the construction of sewage treatment works to serve federally recognized Indian Tribes, Tribes on former reservations in Oklahoma, and Alaska Native Villages as authorized by Section 518(c) of the Clean Water Act (CWA). Such grants may be made to a State or other organization if authorized by the Tribe of the Village.

2. TO WHOM DELEGATED. Director, Water Management Division.

3. LIMITATIONS. The Regional Administrator may redelegate this authority for only those projects above the funding line on the Indian Set-Aside National Priority List.

4. REDELEGATION AUTHORITY. Further redelegation is not authorized.

5. ADDITIONAL REFERENCES. 40 CFR Parts 31-32; Guidelines and Requirements for Applying for Grants from the Indian Set-Aside Program, April 1989. Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrators under Delegation 1-14, Assistance Agreements.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-84. NPDES Related State Program Support Grants

1. AUTHORITY. To approve grants or cooperative agreements with State Water pollution control agencies, interstate agencies, and other public agencies, for investigations, experiments, training, demonstrations, surveys, and studies, including the development of 1) NPDES permits and other administrative activities (including enforcement) for combines sewer overflow and storm water discharges, and 2) municipal water pollution prevention reduction and elimination of pollution through NPDES related activities, as authorized by Section 104(b)(3) of the Clean Water Act.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES.
 - a. 40 CFR Parts 31 and 33;
 - b. "Assistance Administration Manual"; and
 - c. Delegation 1-14, which delegates the authority to award (sign/execute) grant and cooperative agreements.

Delegation of Authority from the
Regional Administrator

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CHAP 2

2-85. Administrative Orders Under Section 311(e) of the Clean Water Act

1. **AUTHORITY.** Pursuant to Section 311(e) of the Clean Water Act, to determine when there may be an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or a hazardous substance from a facility or vessel in violation of Section 311(b); and to provide notice, or cause notice to be provided to the affected state, and issue administrative orders or take other actions necessary to protect public health and welfare.
2. **TO WHOM DELEGATED.** Directors, Superfund and RCRA Divisions.
3. **REDELEGATION AUTHORITY.** This authority may not be redelegated.
4. **ADDITIONAL REFERENCES.**
 - a. Section 311(e) of the Clean Water Act as amended by the Oil Pollution Act of 1990.
 - b. Executive Order 12777 (October 18, 1991) (Published at 56 FR 54757, October 22, 1991).

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-86. Facility Response Plans

1. AUTHORITY. Pursuant to section 311(j)(5) of the Clean Water Act as amended by the Oil Pollution Act of 1990 (OPA):

a. To approve means to ensure the availability of private personnel and equipment to implement facility response plans for non-transportation-related onshore facilities;

b. To review and approve such plans for non-transportation-related onshore facilities under section 4202(b)(4) of OPA; and

c. To authorize non-transportation-related onshore facilities to operate without approved response plans for non-transportation-related facilities under section 311(j)(5)(F).

2. TO WHOM DELEGATED.

a. The authority specified in 1.a. and 1.b. is delegated through the Director, Waste Management Division, through the Associate Director, Office of Superfund and Emergency Response, through the Chief, Emergency Response and Removal Branch, through the Chief, Emergency Response Section, to On-Scene Coordinators in the Emergency Response and Removal Branch.

b. The authority specified in 1.c. is delegated through the Director, Waste Management Division, through the Associate Director, Office of Superfund and Emergency Response, through the Chief, Emergency Response and Removal Branch, to the Chief, Emergency Response Section.

3. REDELEGATION AUTHORITY. This authority may not be redelegated.

4. ADDITIONAL REFERENCES. 40 CFR, Part 112, "Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities", (Published at 59 FR 34070, July 1, 1994).

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-87. Equipment Inspections

1. AUTHORITY. Pursuant to section 311(j)(6)(A) of the Clean Water Act as amended by the Oil Pollution Act of 1990, to require periodic inspections of containment booms and equipment used to remove discharges at non-transportation-related onshore facilities.

2. TO WHOM DELEGATED. This authority is delegated through the Director, Waste Management Division, through the Associate Director, Office of Superfund and Emergency Response, through the Chief, Emergency Response and Removal Branch, through the Chief, Emergency Response Section, to On-Scene Coordinators in the Emergency Response and Removal Branch.

3. REDELEGATION AUTHORITY. This authority may not be redelegated.

4. ADDITIONAL REFERENCES.

a. Section 311(j)(6) of the Clean Water Act as amended by the Oil Pollution Act of 1990.

b. 40 CFR, Part 112, "Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities", (Published at 59 FR 34070, July 1, 1994).

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-88. Tests of Facility Removal Capability

1. AUTHORITY. Pursuant to section 311(j)(7) of the Clean Water Act, as amended by the Oil Pollution Act of 1990, to conduct periodic drills of removal capability under relevant response plans for facilities located in the inland zone.
2. TO WHOM DELEGATED. This authority is delegated through the Director, Waste Management Division, through the Associate Director, Office of Superfund and Emergency Response, through the Chief, Emergency Response and Removal Branch, to the Chief, Emergency Response Section.
3. REDELEGATION AUTHORITY. This authority may not be redelegated.
4. ADDITIONAL REFERENCES.
 - a. Section 311(j)(5) of the Clean Water Act as amended by the Oil Pollution Act of 1990.
 - b. National Preparedness for Response Exercise Program (PREP) guidelines prepared by the National Scheduling Coordination Committee.

Delegation of Authority from the
Regional Administrator

2-89. Removal of Discharge or Threat of Discharge

1. **AUTHORITY.** Pursuant to section 311(c) of the Clean Water Act, as amended by the Oil Pollution Act of 1990 (OPA):
 - a. To remove or arrange for the removal of a discharge and to mitigate or prevent a substantial threat of a discharge;
 - b. To direct or monitor all Federal, State, and private actions;
 - c. To remove and, if necessary, destroy a vessel that is discharging or threatening to discharge;
 - d. To consult with affected trustees; and
 - e. To determine when the removal is complete.
2. **TO WHOM DELEGATED.** This authority is delegated through the Director, Superfund Division, through the Chief, Emergency Response and Removal Branch, through the Section Chiefs, to On-Scene Coordinators in the Emergency Response and Removal Branch.
3. **LIMITATIONS.**
 - a. Section 1011 of the OPA limits the authority in 1.e. to cases that involve the discharge of oil.
 - b. The authorities in 1.a. to 1.d. are to be exercised in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and appropriate Area Contingency Plans, in order to ensure immediate and effective response.
 - c. The authority in 1.b. includes issuance of orders.

Delegation of Authority from the
Regional Administrator

2-89. Removal of Discharge or Threat of Discharge (cont'd)

4. **REDELEGATION AUTHORITY.** This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Delegation 2-85, entitled "Administrative Orders Under Section 311(e) of the Clean Water Act.
 - b. NCP (40 C.F.R. Part 300).

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 2
CLEAN WATER ACT

DELEGATIONS

2-91. Area Committee Designation and Preparation and Review
of Area Contingency Plans.

1. AUTHORITY. Pursuant to section 311(j)(4) of the Clean Water Act (CWA) and section 4202(b)(1) of the Oil Pollution Act of 1990 (OPA):

- a. To designate Areas;
- b. To appoint Area Committee members;
- c. To require information to be included in Area Contingency Plans; and
- d. To review and approve such plans as defined in the National Contingency Plan (NCP).

2. TO WHOM DELEGATED. Director, Waste Management Division.

3. REDELEGATION AUTHORITY. This authority may not be redelegated.

4. ADDITIONAL REFERENCES. "Designation of Areas and Area Committees Under the Oil Pollution Act of 1990," (57 FR 15198, April 24, 1992).

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 7
CLEAN AIR ACT

DELEGATIONS

7-15. Applicability Determinations of Construction
and Modification

1. AUTHORITY. To issue determinations of construction or modification pertaining to the applicability of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

2. TO WHOM DELEGATED. Director, Air, Pesticides and Toxics Management Division.

3. LIMITATIONS.

a. The Division Director must consult the Assistant Administrator for Air and Radiation or his designee when exercising the above authority.

b. The Assistant Administrator for Air and Radiation or his designee will exercise this authority in multi-Regional cases or cases of national significance. In addition, the Assistant Administrator for Air and Radiation or his designee must notify any affected Regional Administrators or their designees when exercising the above authority.

4. REDELEGATION AUTHORITY. Further redelegation is not authorized.

5. ADDITIONAL REFERENCES.

a. Sections 111 and 112 of the Clean Air Act.

b. 40 CFR 60.5 and 61.06.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 7
CLEAN AIR ACT

DELEGATIONS

7-43. Noncompliance Penalty: Granting of Exemptions

1. AUTHORITY. Pursuant to the Clean Air Act (CAA), to grant any exemptions from noncompliance penalties mandated by the CAA.
2. TO WHOM DELEGATED. Director, Air, Pesticides and Toxics Management Division.
3. LIMITATIONS.
 - a. Prior to granting an exemption for inability to comply for reasons entirely beyond the owner's control, the Division Director must consult with the Assistant Administrator for Enforcement or his designee and the Assistant Administrator for Air and Radiation or his designee.
 - b. The Assistant Administrator for Air and Radiation may grant an exemption in cases that he initiated and must consult with the Assistant Administrator for Enforcement or his designee and must notify any affected Regional Administrators or their designees.
 - c. The Assistant Administrator for Enforcement and the Assistant Administrator for Air and Radiation may waive their respective consultation requirements by memorandum.
4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. ADDITIONAL REFERENCES. Section 120(a)(2)(B) of CAA.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 7
CLEAN AIR ACT

DELEGATIONS

Quality Control Programs

1. AUTHORITY. To approve or disapprove Quality Control Programs for the collection and analysis of environmental pollutants on a case-by-case basis, in accordance with the Code of Federal Regulations (40 CFR 58, Appendix A, Section 2.1).
2. TO WHOM DELEGATED. Director, Environmental Services Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.

Delegation of Authority from the
Regional Administrator

**8-12. Preliminary Notification Reports by Persons
Generating, Transporting or Treating Hazardous Wastes**

1. Authority.

a. To receive preliminary notification reports by persons generating, transporting, treating, or disposing of hazardous waste pursuant to the Solid Waste Disposal Act, as amended (SWDA).

b. To receive notifications from owners and operators of units identified in Section 3015(b)(1) of the SWDA.

2. To Whom Delegated. Director, RCRA Division.

3. Redelelegation Authority. This authority may be redelegated.

Delegation of Authority from the
Regional Administrator

8-13 State Hazardous Waste Grants and State Program Submittals

1. **Authority.** To approve grants for State hazardous waste programs and to approve annual State program submittals pursuant to Section 3011 of SWDA.
2. **To Whom Delegated.** Director, RCRA Division.
3. **Redelegation Authority.** This authority may not be redelegated.

Delegation of Authority from the
Regional Administrator

8-20. Monitoring, Testing, Analysis and Reporting

1. **Authority.** Pursuant to the Solid Waste Disposal Act, as amended (SWDA):

a. To make determinations that the presence of any hazardous waste at a facility or site at which waste is, or has been stored, treated, or disposed of, or the release of any such waste from such facility or site may present a substantial hazard to human health or the environment.

b. To make determinations and findings regarding monitoring, testing, analysis and reporting.

c. To make determinations and findings that: the owner or operator of a facility or site not in operation when a determination that there may be a substantial hazard is made could not reasonably be expected to have actual knowledge of the presence of hazardous waste and its potential for release.

d. To issue orders to present and past owners and operators of facilities or sites requiring monitoring, testing, analysis and reporting, requiring proposals for carrying out required monitoring, testing, analysis and reporting and requiring the carrying out of same in accordance with such proposals and reasonable modifications.

e. To provide the owner or operator an opportunity to confer with EPA respecting a proposal for carrying out required monitoring, testing, analysis and reporting.

f. To make determinations and findings that: no owner or operator is able to conduct monitoring, testing, analysis or reporting satisfactory to the Administrator; any such action carried out by an owner or operator is unsatisfactory; or, it is not possible to determine whether there is an owner or operator who is able to conduct monitoring, testing, analysis or reporting.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 8
SOLID WASTE DISPOSAL ACT,
AS AMENDED

DELEGATIONS

8-21. Exposure Information and Health Assessments

1. AUTHORITY.

a. To receive information on the potential for the public to be exposed to hazardous waste or hazardous constituents through releases related to landfills and surface impoundments from applicants seeking a final permit determination under Section 3005(c) of the Solid Waste Disposal Act, as amended (SWDA) and to make that information available to the Agency for Toxic Substances and Disease Register (ATSDR).

b. To determine that the landfill or surface impoundment posed a substantial potential risk to human health under Section 3019(b) of the SWDA and, upon making such determination, to seek health assessments from ATSDR pursuant to Section 3019 of the SWDA.

2. TO WHOM DELEGATED. Director, Waste Management Division.

3. LIMITATION. Before seeking a health assessment from the Agency for Toxic Substances and Disease Registry pursuant to Section 3019 of the SWDA, the Director, Waste Management Division must obtain the concurrence of the Assistant Administrator for Solid Waste and Emergency Response.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES. Section 3019 of the SWDA.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 8
SOLID WASTE DISPOSAL ACT,
AS AMENDED

DELEGATIONS

8-35. Waivers/Modifications/Exemptions for Surface
Impoundment Retrofitting Requirement

1. AUTHORITY. Pursuant to the Solid Waste Disposal Act, as amended (SWDA): to perform all actions necessary to review, approve or disapprove requests for waivers, modifications and exemptions under Section 3005(j)(5) and (13) concerning retrofitting requirements for interim status surface impoundments.
2. TO WHOM DELEGATED. Director, Waste Management Division.
3. REDELEGATION AUTHORITY. This authority may not be redelgated.
4. ADDITIONAL REFERENCE. 42 U.S.C. Section 6925(j)(5) and (13).

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 8
SOLID WASTE DISPOSAL ACT,
AS AMENDED

DELEGATIONS

8-43. Administrative Enforcement: Issuance of Complaints,
Signing of Consent Agreements, etc. (Subtitle J)

1. AUTHORITY. Pursuant to Subtitle J of the Solid Waste Disposal Act, as amended (SWDA): to make determinations of violations; to issue warning letters or other notices; to issue compliance orders; to issue notices to States; to issue complaints; and to negotiate and sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED. Director, Waste Management Division.

3. LIMITATIONS.

a. This authority may only be exercised prior to the alleged violator filing an answer or failure to file an answer to an administrative complaint or, in the event of a failure to file an answer, within the period to file an answer which is set by the complaint.

b. The Director, Waste Management Division may exercise these authorities only for those cases initiated by the Region. The Director, Waste Management Division must consult with the Regional Counsel or its designee prior to signing consent agreements authorized under paragraph 1.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 8
SOLID WASTE DISPOSAL ACT,
AS AMENDED

DELEGATIONS

8-44. Administrative Enforcement: Issuance of Consent
Orders and Final Orders Under Subtitle J

1. AUTHORITY. To issue consent orders memorializing settlements between the Agency and respondents resulting from administrative enforcement actions under Subtitle J of the Solid Waste Disposal Act, as amended.
2. TO WHOM DELEGATED. Director, Waste Management Division.
3. LIMITATIONS. There are no limitations.
4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. ADDITIONAL REFERENCES. 40 CFR Part 2, 40 CFR Part 259.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 8
SOLID WASTE DISPOSAL ACT,
AS AMENDED

DELEGATIONS

8-45. Action on Petitions Requesting a Variance from
Treatment Standards

1. AUTHORITY. Pursuant to the Solid Waste Disposal Act, as amended (SWDA), to grant or deny petitions for variance from a treatment standard established by the land disposal restrictions program.

2. TO WHOM DELEGATED. Director, Waste Management Division.

3. LIMITATIONS.

a. Director, Waste Management Division may exercise this authority only where the variances apply to contaminated soil and/or debris, and are site-specific (40 CFR Section 268.44(h)).

b. Director, Waste Management Division shall consult with the Assistant Administrator for Solid Waste and Emergency Response twenty-one (21) days before exercising this authority for the first three treatability variances for contaminated soil and/or debris which each Region issues under this delegation.

c. After the first three variances, the Director, Waste Management Division will consult with the Assistant Administrator for Solid Waste and Emergency Response twenty-one (21) days before finalizing all proposed treatability variances which do not comply with the treatment levels or the technologies specified in OSWER guidance, indicating type of contamination, technology selected, and treatment levels selected.

4. REDELEGATION AUTHORITY. This authority may not be redelgated.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 8
SOLID WASTE DISPOSAL ACT,
AS AMENDED

DELEGATIONS

8-45. Action on Petitions Requesting a Variance from
Treatment Standards (Cont'd)

5. ADDITIONAL REFERENCES.

a. Sections 3004(d)(1), 3004(3)(1), 3004(g)(5), and 7004(a) of the SWDA, and Sections 104 and 121 of CERCLA.

b. Land Disposal Restrictions, 40 CFR Part 268, and National Contingency Plan, 40 CFR Part 300.

c. Delegations Manual, Delegations 14-1-A, 14-2-A, 14-2-B, 14-3, and 14-5.

Delegation of Authority from the
Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 17 2003

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE
REGIONAL ADMINISTRATOR
U.S. REGION 4
for the
Delegates
Mansel

MEMORANDUM

SUBJECT: OECA Designation of Regional Counsel to Concur on State Primacy Matters
Under the Safe Drinking Water Act (SDWA)

FROM: John Peter Suarez, Assistant Administrator
Office of Enforcement and Compliance Assurance

TO: Regional Administrator, Regions I-X
Regional Counsel, Regions I-X

Under the current SDWA Delegation 9-4, the Regional Administrators are required to obtain concurrence from the Assistant Administrator for OECA on each decision of whether to approve or disapprove a State's application to assume primary enforcement authority (primacy) for each rule promulgated under the SDWA. OECA has participated in numerous primacy reviews with the Offices of Regional Counsel and has every confidence in the sufficiency of the Regional reviews. I hereby designate the Regional Counsel for each Region to act under SDWA Delegation 9-4 as the AA for OECA and to concur, or non-concur, on State applications for primacy under the SDWA.

Our goal continues to be to ensure a consistent national SDWA program. In the event that a Regional review should raise any questions or issues of national significance, I encourage you to discuss these with the Water Enforcement Division. If you have any questions with regard to this memorandum, please contact Mark Pollins, Director, Water Enforcement Division, at (202) 564-4001.

Attachment: SDWA Delegation 9-4

cc: William Diamond, Director, OGWDW
Regional Water Division Directors

DELEGATIONS MANUAL

1200 TN 350
5/11/94

SAFE DRINKING WATER ACT (SDWA)

9-4. Determination of State Primary Enforcement
Responsibility: Public Water Systems

1. AUTHORITY. To determine whether a State has primary enforcement responsibility for public water systems in accordance with Section 1413 of the Safe Drinking Water Act (SDWA) and 40 CFR Part 142.10, and to notify a State and provide opportunity for public hearings on such determinations in accordance with Section 1413 of SDWA.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. Regional Administrators are required to obtain concurrence from the Assistant Administrators for Water and Enforcement and Compliance Assurance, and the General Counsel, or their designees, prior to making a final determination.

b. The Office of Water, the Office of General Counsel, and the Office of Enforcement and Compliance Assurance may waive the concurrence limitation on a case-by-case basis. The Regional Administrators will be responsible for maintaining a record of any waiver of this limitation.

c. The authority to prescribe the manner in which a State may apply for a determination, the manner in which the determination is made, and the period for which the determination is effective, as set forth in Section 1413(b)(1) of SDWA, is reserved to the Administrator.

d. The authority to promptly notify the Chief Executive Officer of each State under Section 1413(b)(1) of SDWA is reserved to the Administrator.

e. Regional Administrators shall notify the Assistant Administrator for Water of determinations and public hearings.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES. 40 CFR Parts 142.11, 142.12, 142.13.

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 9
SAFE DRINKING WATER ACT

DELEGATIONS

9-6. Reports by States

1. AUTHORITY. To receive reports by States with primary enforcement responsibility pursuant to 40 CFR Part 142.15 in accordance with Section 1413 of the Safe Drinking Water Act.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. LIMITATIONS. The Regional Administrator or his delegatee are to forward a copy of the reports to the Assistant Administrator for Water.
4. REDELEGATION AUTHORITY. Further redelegation is not authorized.
5. ADDITIONAL REFERENCES. 40 CFR Part 142.15.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 9
SAFE DRINKING WATER ACT

DELEGATIONS

9-10. Making Available Information and Agency Facilities
and Providing Training Assistance

1. AUTHORITY. To perform the EPA functions and responsibilities relative to collecting and making available information; making available Agency facilities; and approving grants or cooperative agreements from training projects and for the development and expansion of programs of States and municipalities pursuant to Section 1442(b)(1), 1442(b)(2), and 1442(b)(3) of the Safe Drinking Water Act.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. LIMITATIONS.
 - a. Research activities are not included in this delegation.
4. REDELEGATION AUTHORITY. Further redelegation is not authorized.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 9
SAFE DRINKING WATER ACT

DELEGATIONS

9-11. To issue Public Water System Supervision Grants

1. AUTHORITY. To approve grants to States to carry out public water system supervision programs under Section 1443(a) of the Safe Drinking Water Act.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. 40 CFR Part 30; 40 CFR Part 35, Subpart A; 40 CFR Part 142.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 9
SAFE DRINKING WATER ACT

DELEGATIONS

9-14. Monitoring of Consecutive Public Water Systems

1. AUTHORITY. To perform the duties and responsibilities relative to the review of and granting concurrence to any schedules set by a State in connection with modification of the monitoring requirements relating to consecutive public water systems.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. 40 CFR Part 141.29.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 9
SAFE DRINKING WATER ACT

DELEGATIONS

9-15. Safe Drinking Water Occupational Training Assistance

1. AUTHORITY. To approve grants or cooperative agreements to any public agency, educational institution and any other organization for training projects authorized by Section 1442(b)(3)(A), and 1442(d)(1) of the Safe Drinking Water Act, as amended.
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.

Delegation of Authority from the
Regional Administrator

9-16-A. Civil Judicial Enforcement Actions

1. AUTHORITY. To cause civil judicial actions to be commenced or to intervene in suits commenced pursuant to the Safe Drinking Water Act (SDWA); to request the Attorney General to appear and represent the Agency in any civil enforcement actions instituted under SDWA; to determine that the Attorney General has failed or refused to appear and represent the Agency in any SDWA civil enforcement action; to appear and represent the Agency in any SDWA action where the Attorney General has refused or failed to appear and represent the Agency; to such an appeal; and to initiate an appeal and represent the Agency when the Attorney General fails to do so.

2. TO WHOM DELEGATED. Director, Water Management Division.

3. LIMITATIONS.

a. The Regional Administrator or his delegatee may exercise this authority only in regard to commencing civil actions under SDWA, intervening in civil actions commenced under SDWA, requesting the Attorney General to appear and represent the Agency in civil actions under SDWA and where appropriate, appearing and representing the Agency in any civil actions under SDWA exclusive of appeals. The Regional Administrator or his delegatee may designate only Regional Counsel attorneys to represent the Agency.

b. The Regional Administrator or his delegatee may exercise this authority only in cases specified in agreements between authorized representatives of the Agency and the Department of Justice.

c. The Regional Administrator or his delegatee must notify the Assistant Administrator for Water and the Assistant Administrator for Enforcement when they refer cases to the Department of Justice.

Delegation of Authority from the
Regional Administrator

9-16-A. (Cont'd)

4. REDELEGATION AUTHORITY. Further redelegation is not authorized.

5. ADDITIONAL REFERENCES.

a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977; Direct referral agreement memorialized in letter of September 29, 1983, from Alvin L. Alm, Deputy Administrator, to F. Henry Habicht, Assistant Attorney General, regarding direct referrals; Sections 1414, 1423, 1431 and 1450(f) of SDWA.

b. For referrals of requests for emergency SDWA Temporary Restraining Orders, see chapter 9 Delegation entitled "Emergency TRO's."

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 9
SAFE DRINKING WATER ACT

DELEGATIONS

9-17. Emergency Administrative Powers

1. AUTHORITY. To receive information, take action, determine the practicality of consultation, consult with States and local authorities, and issue emergency administrative orders pursuant to the Safe Drinking Water Act (SDWA).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. Section 1431 of SDWA.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 9
SAFE DRINKING WATER ACT

DELEGATIONS

9-19. Revision or Modification of State Underground
Injection Control (UIC) Program

1. AUTHORITY. To approve a revised or modified State program when circumstances have changed with respect to a State program as required under Section 1422 of the Safe Drinking Water Act (SDWA).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. LIMITATIONS. This delegation does not include substantial program revisions such as changes to the State's statutory or regulatory authority which call into questions the State's authority or ability to administer the program, transfer of program from one State agency to another, and program changes that would result in State requirements less stringent than Federal requirements.
4. REDELEGATION AUTHORITY. Further redelegation is not authorized.
5. ADDITIONAL REFERENCES. SDWA, Section 1422; 40 CFR 145.32. Program Guidance for EPA Reviews and Approval of Approved State UIC Program.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 9
SAFE DRINKING WATER ACT

DELEGATIONS

9-21. Approval of State Underground Injection
Control (UIC) Program Grant Funds

1. AUTHORITY. To approve each year, among the eligible States, grant funds appropriated to carry out UIC programs in accordance with Section 1443(b) of the Safe Drinking Water Act (SDWA).
2. TO WHOM DELEGATED. Director, Water Management Division.
3. REDELEGATION AUTHORITY. Further redelegation is not authorized.
4. ADDITIONAL REFERENCES. SDWA, Section 1443(b); 40 CFR 35.141.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)

DELEGATIONS

14-1-A. Selection and Performance of Removal Actions
Costing Up to \$2,000,000

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to determine the necessity of and to select and perform removal actions costing up to \$2,000,000 where the action is expected to last up to one year.

2. TO WHOM DELEGATED.

a. For removal actions not to exceed \$50,000: This authority is delegated through the Director, Waste Management Division, through the Associate Division Director for the Office of Superfund and Emergency Response, through the Chief of the Emergency Response and Removal Branch, through the Section Chiefs in the Emergency Response and Removal Branch, to the On-Scene Coordinator.

b. For obligations not to exceed \$200,000, where site conditions constitute an emergency: This authority is delegated through the Director, Waste Management Division, through the Associate Division Director for the Office of Superfund and Emergency Response, through the Chief of the Emergency Response and Removal Branch, through the Section Chiefs in the Emergency Response and Removal Branch, to the On-Scene Coordinator.

c. For all other removal actions, costing up to \$2,000,000: This authority is delegated through the Director, Waste Management Division, to the Associate Division Director for the Office of Superfund and Emergency Response.

3. LIMITATIONS.

a. Removal actions will not continue after \$2,000,000 has been obligated, unless authorized to continue under Headquarter's Delegation 14-2-A, "Removal Actions Initially Expected to Cost Over \$2,000,000 and Continued Removal Actions After Obligations

Delegation of Authority from the
Regional Administrator

14-1-A. (Cont'd)

of \$2,000,000, (Pursuant to the Emergency Waiver)" or Delegation 14-2-B, "Removal Actions Initially Expected to Cost Over \$2,000,000 and Continued Removal Actions After Obligations of \$2,000,000 (Pursuant to the Consistency Waiver)."

b. The Assistant Administrator for Solid Waste and Emergency Response or his/her designee must concur prior to the initiation of a removal action at non-NPL sites where the proposed action is on the List of Nationally Significant or Precedent-Setting Removal Actions Categories.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 104, 121(d), and 121(e) of CERCLA.
- b. National Contingency Plan, 40 CFR Part 300.
- c. Superfund Removal directives.
- d. The \$2,000,000 limit includes all extramural costs and Headquarters and Regional intramural costs, except for Section 104(b) studies and all enforcement costs.
- e. List of Nationally Significant or Precedent-Setting Removal Categories.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)

DELEGATIONS

14-2-A Removal Actions Initially Expected to Cost Over
\$2,000,000 and Continued Removal Actions After
Obligations of \$2,000,000 (Pursuant to the Emergency
waiver)

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, to determine the necessity of and to select and perform removal actions to continue beyond \$2,000,000 when all of the following circumstances exist:

 a. Where continued response actions are immediately required to prevent, limit, or mitigate an emergency;

 b. Where there is an immediate risk to public health or welfare or the environment; and

 c. Where such assistance will not otherwise be provided on a timely basis.

2. TO WHOM DELEGATED. This authority is delegated through the Director, Waste Management Division, to the Associate Division Director for the Office of Superfund and Emergency Response.

3. LIMITATIONS.

 a. The Regional Administrator may only exercise this authority at sites within Region IV until total removal costs exceed \$6,000,000.

 b. This authority shall be exercised subject to the Administrator's Management Accountability System and approved funding levels.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

Delegation of Authority from the
Regional Administrator

14-2-A (Cont')

5. ADDITIONAL REFERENCES.

- a. Sections 104(d)(1), 121(d), and 121(e) of CERCLA.
- b. National Contingency Plan, 40 CFR Part 300.
- c. Superfund Removal directives.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)

DELEGATIONS

14-2-B Removal Actions Initially Expected to Cost Over
\$2,000,000 and Continued Removal Actions After
Obligations of \$2,000,000 (Pursuant to the Consistency
Waiver)

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, to determine the necessity of and to select and perform removal actions to continue beyond \$2,000,000 when the continued response actions are otherwise appropriate and consistent with the remedial actions to be taken.

2. TO WHOM DELEGATED. This authority is delegated through the Director, Waste Management Division, to the Associate Division Director for the Office of Superfund and Emergency Response.

3. LIMITATIONS.

a. The Associate Director may only exercise this authority at proposed and final NPL sites within Region IV. The Assistant Administrator for Solid waste and Emergency Response may waive this limitation by memorandum.

b. This authority shall be exercised subject to the Administrator's Management Accountability System and approved funding levels.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 104(d)(1), 121(d), and 121(e) of CERCLA.
- b. National Contingency Plan, 40 CFR Part 300.
- c. Superfund Removal directives.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)

DELEGATIONS

14-3. Selection and Performance of Removal Actions Lasting
More than One Year.

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, to determine the necessity of and to select and perform removal actions:

a. Where the action is expected to last more than one year; or,

b. Where the action was expected to last up to one year but requires continuation beyond one year.

This authority applies only in the following circumstances:

i. Where continued response actions are immediately required to prevent, limit, or mitigate an emergency; and

Where there is an immediate risk to public health or welfare or the environment; and

Where such assistance will not otherwise be provided on a timely basis; or

ii. When the continued response actions are otherwise appropriate and consistent with the remedial action to be taken.

2. TO WHOM DELEGATED. This authority is delegated to the Division Director, Waste Management Division.

3. REDELEGATION AUTHORITY. This authority may not be redelegated.

4. ADDITIONAL REFERENCES.

a. Sections 104(d)(1), 121(d), and 121(e) of CERCLA.

b. National Contingency Plan, 40 CFR Part 300.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)

DELEGATIONS

14-4-A. State-Lead Studies and Investigations
Related to Remedial Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), based on a determination that a State or political subdivision is capable of performing studies and investigations to plan a remedial action, to enter into a cooperative agreement to perform such planning. This authority includes approval and award authority.

2. TO WHOM DELEGATED. Director, Waste Management Division.

3. LIMITATIONS. This authority shall be exercised subject to the Administrator's management accountability system, and may only be exercised at sites which are contained in approved funding levels.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

a. Sections 104, 116, 117, and 121 of CERCLA.

b. Strategic Planning and Management System is the Administrator's management accountability system.

c. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.

d. State Participation in the Superfund Program, February 1984, Volumes I and II, as amended.

e. National Contingency Plan, 40 CFR 300.

f. 40 CFR 30 and 40 CFR 33, EPA grant regulations.

g. EPA's Assistance Administration Manual, 1984, as amended.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)

DELEGATIONS

14-4-C. Superfund State Contracts and Cooperative Agreements to Implement and Perform Remedial Actions.

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, to consult with the affected State or political subdivision in the selection of appropriate remedial action; to obtain the necessary assurances for remedial actions; based on a determination that a State or political subdivision is unable to perform remedial actions, to enter into a contract with such State or political subdivision in which EPA will perform the remedial action. This authority includes approval and award authority.

2. TO WHOM DELEGATED. This authority is delegated to the Director, Waste Management Division.

3. LIMITATIONS.

a. The authority to enter into a contract with States, for the purpose of this delegation, does not extend to procurement contracts.

b. This authority shall be exercised subject to the Administrator's Management Accountability System, and approved funding levels.

c. This authority shall be exercised in accordance with Delegation No. 14-5, Selection of Remedial Actions.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

Delegation of Authority from the
Regional Administrator

14-4-C. (Cont'd)

5. ADDITIONAL REFERENCES.

a. Sections 104(a) and 104(c), 104(d)(1), 116, and 121 of CERCLA.

b. State Participation in the Superfund Program, February, 1984, Volumes I and II, as amended.

c. Strategic Planning and Management System in the Administrator's Management Accountability System.

d. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND AVAILABILITY ACT (CERCLA)

DELEGATIONS

14-5. Selection of Remedial Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to determine the necessity of, to select, and to perform the appropriate remedial action.
2. TO WHOM DELEGATED. This authority is delegated through the Director, Waste Management Division to the Associate Division Director for the Office of Superfund and Emergency Response.
3. LIMITATIONS. Regional Administrators or their delegates may exercise this authority for sites or particular operable units at a site within their Regions listed in the Remedy Delegation Report issued periodically by the Assistant Administrator for Solid Waste and Emergency Response.
4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. ADDITIONAL REFERENCES.
 - a. Sections 101(24), 104, 116, 118, 120, 121 and 126(b) of CERCLA.
 - b. Section 118(m) of the Superfund Amendments and Reauthorization Act (SARA).
 - c. Guidance on Delegation of Selection of Remedy Authority.
 - d. National Contingency Plan, 40 CFR Part 300.
 - e. Acquisition of property is covered in Delegation 8-30.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)

DELEGATIONS

14-7. Combination of Noncontiguous Facilities
for Response Purposes

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to treat two or more contiguous facilities that are related geographically or on the basis of threat as one for purposes of response actions.
2. TO WHOM DELEGATED. This authority is delegated through the Director, Waste Management Division, through the Associate Directors, Waste Management Division, through the Chiefs of the Federal Facilities, Emergency Response and Removal, North and South Superfund Remedial, and Waste Programs Branches, to the Section Chiefs in the Federal Facilities, Emergency Response and Removal, North and South Superfund Remedial, and Waste Programs Branches.
3. REDELEGATION AUTHORITY. This authority may be redelegated by the Regional Administrator.
4. ADDITIONAL REFERENCES.
 - a. Section 104(d)(4) of CERCLA.
 - b. Guidance on combination of noncontiguous facilities can be found in 48 Fed. Reg. 40663 (September 8, 1983) and 49 Fed. Reg. 37076 (September 21, 1984).

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DELEGATIONS

14-8-A. Federal-Lead Studies and Investigations
Related to Response Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to make determinations as to the necessity and appropriateness of studies and investigations necessary or appropriate to plan and direct response actions, with the exception of actions authorized under Delegation 14-4-A, "State-Lead Studies and Investigations Related to Remedial Actions," and to perform such studies and investigations in consultation with the State.

2. TO WHOM DELEGATED. Director, Waste Management Division.

3. LIMITATION. This authority shall be exercised subject to the Administrator's management accountability system, and may be exercised only at sites which are contained in approved funding levels.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 104, 116, 117 and 121 of CERCLA.
- b. National Contingency Plan, 40 CFR 300.
- c. State Participation in the Superfund Program, February 1984, Volumes I and II, as amended.
- d. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.
- e. Strategic Planning and Management System is the Administrator's management accountability system.

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DELEGATIONS

14-8-B. Studies and Investigations Related to Cost Recovery
and Enforcement Decisions; Special Notice

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to make determinations as to the necessity and appropriateness of studies and investigations related to the recovery of response costs and the enforcement of the provisions of this Act, and to undertake such studies and investigations, and to make decisions, determinations, findings, notifications and non-binding allocations of responsibility under Section 122.

2. TO WHOM DELEGATED. Authority to issue general notice letters informing persons of potential liability, under the authority of Section 107(a) of CERCLA, is delegated through the Director, Superfund Division, through the Deputy Director, Superfund Division, through the Chiefs of the Emergency Response and Removal Branch, Superfund Remedial and Site Evaluation Branch, Superfund Remedial Branch, Superfund Support Branch and Superfund Enforcement and Information Management Branch, to the Section Chiefs in the Emergency Response and Removal Branch, Superfund Remedial and Site Evaluation Branch, Superfund Remedial Branch, and Superfund Enforcement and Information Management Branch.

Authority to issue special notice letters under the authority of Section 122(a) of CERCLA is delegated through the Director, Superfund Division, through the Deputy Director, Superfund Division, to the Chiefs in the Emergency Response and Removal Branch, Superfund Remedial and Site Evaluation Branch, Superfund Remedial Branch, Superfund Support Branch, and Superfund Enforcement and Information Management Branch.

3. REDELEGATION AUTHORITY. This authority may be redelegated by the Regional Administrator.

4. ADDITIONAL REFERENCES.

- a. Sections 104, 106, 107, and 122 of CERCLA.
- b. All applicable Agency guidance and directives.
- c. See Delegation 14-6 for issuance of Section 104(e) requests.

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DELEGATIONS

14-9. Claims Asserted Against the Fund for Response Costs

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Sections 111, 112 and 122; 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP); 40 CFR Part 307, "CERCLA Claims Procedures"; and 40 CFR Part 305, "CERCLA Administrative Hearing Procedures for Claims Against the Superfund":

- a. To preauthorize claims against the Hazardous Substance Superfund for necessary response costs; and,
- b. To approve reimbursement for claimed response costs.

2. TO WHOM DELEGATED. Director, Superfund Division.

3. LIMITATIONS.

a. The delegatee must obtain approval from both the AA/OSWER and the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA) or his/her designee before exercising the authorities in 1.a (for the original preauthorization and any modifications thereto). The AA/OSWER and the AA/OECA or his/her designee may waive this limitation by memorandum.

b. The delgatee must obtain approval from the AA/OSWER before exercising the authorities in 1.b. The AA/OSWER may waive this limitation by memorandum.

c. These authorities shall be exercised subject to approved funding levels.

4. REDELEGATION AUTHORITY. These authorities may not be redelegated.

5. ADDITIONAL REFERENCES.

- a. EPA Delegation 14-13-B, Concurrence in Settlement of Civil Judicial Actions.
- b. EPA Delegation 14-14-C, Administrative Actions Through Consent Orders.

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THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)

14-8-B. Studies and Investigations Related to Cost Recovery and Enforcement Decisions; Special Notice

1200 TN 350
5/11/94

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to make determinations as to the necessity and appropriateness of studies and investigations related to the recovery of response costs and the enforcement of the provision of this Act, and to undertake such studies and investigations; and to make decisions, determinations, findings, notifications and non-binding allocations of responsibility under Section 122.
2. **TO WHOM DELEGATED.** Assistant Administrator for Solid Waste and Emergency Response, Assistant Administrator for Enforcement and Compliance Assurance and Regional Administrators.
3. **REDELEGATION AUTHORITY.** This authority may be redelegated.
4. **ADDITIONAL REFERENCES.**
 - a. Sections 104, 106, 107, and 122 of CERCLA.
 - b. All applicable Agency guidance and directives.
 - c. See Delegation 14-6 for issuance of Section 104(e) requests.

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THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)

14-9. Claims Asserted Against the Fund for Response Costs

1200 TN 547
07/24/2002

1. AUTHORITY.

Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Sections 111, 112 and 122; 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP); 40 CFR Part 307, "CERCLA Claims Procedures"; and 40 CFR Part 305, "CERCLA Administrative Hearing Procedures for Claims Against the Superfund":

- a. To preauthorize claims against the Hazardous Substance Superfund for necessary response costs;
- b. To approve reimbursement for claimed response costs; and
- c. To serve as the Review Officer.

2. TO WHOM DELEGATED.

- a. Regional Administrators are delegated the authorities in 1.a and 1.b above.
- b. The Assistant Administrator for Solid Waste and Emergency Response (AA/OSWER) is delegated the authority in 1.c.

3. LIMITATIONS.

- a. Regional Administrators must obtain approval from both the AA/OSWER and the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA) or his/her designee before exercising the authorities in 1.a (for the original preauthorization and any modifications thereto). The AA/OSWER and the AA/OECA or his/her designee may waive this limitation by memorandum.

- b. Regional Administrators must obtain approval from the AA/OSWER before exercising the authorities in 1.b. The AA/OSWER may waive this limitation by memorandum.
- c. The Review Officer may not be the same official who approved 1.a and 1.b authorities.
- d. These authorities shall be exercised subject to approved funding levels.

4. REDELEGATION AUTHORITY.

These authorities may be redelegated to the Division Director level, or equivalent, and no further.

5. ADDITIONAL REFERENCES.

- a. EPA Delegation 14-13-B, Concurrence in Settlement of Civil Judicial Actions
- b. EPA Delegation 14-14-C, Administrative Actions Through Consent Orders

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14-9-A. Preauthorization of Response Actions.

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to provide EPA's prior approval or preauthorization to submit a claim against the Hazardous Substance Superfund (the Fund) for necessary response costs incurred as a result of carrying out the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) 40 CFR Part 300, for a response action.

2. TO WHOM DELEGATED. This authority is delegated to the Director, Waste Management Division.

3. LIMITATIONS.

a. The Director, Waste Management Division may exercise this authority only as specified in the Claims Delegation Report issued periodically by the Assistant Administrator for Solid Waste and Emergency Response.

b. The Director, Waste Management Division shall exercise this authority in accordance with Delegation 14-13-B, "Concurrence in Settlement of Civil Judicial Actions", and Delegation 14-14-C, "Administrative Actions Through Consent Orders".

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

a. Sections 111(a)(2), 111(e), 112, and 122(b)(1) of CERCLA.

b. National Contingency Plan, (40 CFR 300.700 (d)).

c. CERCLA Response Claims Procedures (40 CFR Part 307).

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14-9-A. (Cont'd)

d. Delegations 14-13-B (Concurrence in Settlement of Civil Judicial Actions) and 14-14-C (Administrative Actions Through Consent Orders).

e. OSWER Directive 9012.10-A, Revision of CERCLA Civil Judicial Settlement Authorities under Delegations 14-13-B and 14-14-B, June, 1988.

f. The \$2,000,000 limit includes all extramural costs and Headquarters and Regional intramural costs, except for Section 104(b) studies and all enforcement costs.

g. List of Nationally Significant or Precedent-Setting Removal Categories.

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14-9-B. Response Claims Asserted Against the Fund

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to receive, evaluate, and make determinations regarding claims asserted against the Fund. Such authority shall include determining the amount of any award, authorizing payment, and making all other determinations necessary to process such claims.
2. TO WHOM DELEGATED. This authority has been delegated to the Director, Waste Management Division.
3. LIMITATIONS. The Director, Waste Management Division may exercise this authority only as specified in the Claims Delegation Report issued periodically by the Assistant Administrator for Solid Waste and Emergency Response.
4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. ADDITIONAL REFERENCES.
 - a. Sections 111(a)(2), 111(e), 112, and 122(b)(1) of CERCLA.
 - b. National Contingency Plan, (40 CFR 300.700 (d)).
 - c. CERCLA Response Claims Procedures (40 CFR Part 307).

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DELEGATIONS

14-10-A. State Technical Assistance

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to provide to a State or political subdivision acting on behalf of the Agency, technical assistance in the administration and enforcement of any contract (or subcontract) for response actions.
2. TO WHOM DELEGATED. This authority is delegated through the Director, Waste Management Division, through the Associate Directors, Waste Management Division, through the Chiefs of the Federal Facilities, Emergency Response and Removal, North and South Superfund Remedial, and Waste Programs Branches, to the Section Chiefs in the Federal Facilities, Emergency Response and Removal, North and South Superfund Remedial, and Waste Programs Branches.
3. LIMITATIONS. Regional Administrators or their delegates are authorized to expend extramural (contract) funds for technical assistance only to the extent that funds are contained in approved funding levels.
4. REDELEGATION AUTHORITY. This authority may be redelegated by the Regional Administrator.
5. ADDITIONAL REFERENCES.
 - a. Section 104(d)(3) of CERCLA.
 - b. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.
 - c. State Participation in the Superfund Program, February 1984, Volumes I and II, as amended.

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DELEGATIONS

14-11. Credit for State Expenditures

1. AUTHORITY. Pursuant to Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to grant the State a credit against its cost share for response expenses incurred by the State (or as appropriate, a political subdivision) in accordance with the provisions of Section 104(c) and 104(d).
2. TO WHOM DELEGATED. Director, Waste Management Division.
3. REDELEGATION AUTHORITY. This authority may not be redelegated.
4. ADDITIONAL REFERENCES.
 - a. Sections 104(c) and 104(d)(1)(C) of CERCLA.
 - b. State Participation in the Superfund Program, February 1984, Volumes I and II, as amended.
 - c. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.
 - d. Fiscal directives issued by the Comptroller.

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THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)

14-12. Civil Judicial Enforcement Actions

1200 TN 350
5/11/94

1. **AUTHORITY.** To request the Attorney General to appear and represent the Agency in any civil enforcement action and to intervene in any civil enforcement action instituted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended to request the Attorney General to decline to prosecute a previously referred civil enforcement action; and to request the Attorney General to initiate an appeal of a decision in a civil enforcement action under CERCLA and represent the Agency in such an appeal.
2. **TO WHOM DELEGATED.** Regional Administrators, Assistant Administrator for Enforcement and Compliance Assurance, and the General Counsel.
3. **LIMITATIONS.**
 - a. The Regional Administrators may exercise this authority only in regard to requesting that the Attorney General appear and represent the Agency in civil actions under CERCLA, requesting that the Attorney General intervene in civil actions under CERCLA, exclusive of appeals, and requesting that the Attorney General decline to prosecute a previously referred civil action.
 - b. The Regional Administrators may exercise this authority only in cases specified in and in accordance with written agreements between authorized representatives of the Agency and the Department of Justice.
 - c. The Assistant Administrator for Enforcement and Compliance Assurance must notify the appropriate Regional Administrator prior to initiating or intervening in a civil action under CERCLA, requesting that the Attorney General decline to prosecute a previously referred civil enforcement actions under CERCLA, requesting that the Attorney General initiate or intervene in a civil action instituted under CERCLA, or formally initiating an appeal. The Assistant Administrator for Enforcement and Compliance Assurance must notify the Assistant Administrator for Solid Waste and Emergency Response of any

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DELEGATIONS

14-12 Civil Judicial Enforcement Actions

1. AUTHORITY. To request the Attorney General to appear and represent the Agency in any civil enforcement action and to intervene in any civil enforcement action instituted under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended to request the Attorney General to decline to prosecute a previously referred civil enforcement action.

2. TO WHOM DELEGATED. Regional Administrator.

3. LIMITATIONS.

- a. The delegatee may exercise this authority only in regard to requesting that the Attorney General appear and represent the Agency in civil actions under CERCLA, requesting that the Attorney General intervene in civil actions under CERCLA, exclusive of appeals, and requesting that the Attorney General decline to prosecute a previously referred civil action.
- b. The delegatee may exercise this authority only in cases specified in and in accordance with written agreements between authorized representatives of the Agency and the Department of Justice.
- c. The delegatee must notify the Assistant Administrator for Enforcement and Compliance Assurance when they refer cases to the Department of Justice.

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Regional Counsel.

5. ADDITIONAL REFERENCES.

- a. EPA-DOJ Memorandum of Understanding of 1977.
- b. CERCLA Sections 104, 106, 107, 109 and 122.
- c. Delegation 14-13-C.

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requests that the Attorney General declined to prosecute previously referred civil enforcement actions under Section 105 of CERCLA.

- d. The General Counsel may only exercise this authority with regard to appeals.
 - e. Any exercise of appeal authority will be exercised by the General Counsel and the Assistant Administrator for Enforcement and Compliance Assurance. Either party may waive participation by memorandum.
 - f. Any exercise of appeal authority will be exercised by the General Counsel and the Assistant Administrator for Enforcement and Compliance Assurance. Either office may waive joint exercise of authority to appeal by memorandum.
 - g. The Regional Administrators must notify the Assistant Administrator for Enforcement and Compliance Assurance when they refer cases to the Department of Justice.
4. **REDELEGATION AUTHORITY.** The Assistant Administrator for Enforcement and Compliance Assurance and the General Counsel may redelegate this authority to the Division Director level. Regional Administrators may delegate this authority to the Regional Counsel.

5. **ADDITIONAL REFERENCES.**

- a. EPA-DOJ Memorandum of Understanding of 1977.
- b. CERCLA Sections 104, 106, 107, 109, and 122.
- c. Delegation 14-13-C.

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14-17-B. National Priorities List: Restoring Sites,
Petitions to Assess, Evaluation of Serious
Threats, Deletions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended.

a. To conduct Preliminary Assessments of a release or threatened release of hazardous substances, pollutants, or contaminants in response to petitions, and upon finding that the release or threatened release may pose a threat to human health or the environment, to evaluate the release or threatened release with the hazard ranking system.

b. To evaluate releases and threatened releases, where health assessments under Section 104(i) indicate such releases may pose a serious threat to human health or the environment, with the hazard ranking system.

2. TO WHOM DELEGATED. These authorities are delegated by the Regional Administrator through the Director, Waste Management Division, through the Associate Division Directors, Waste Management Division, through the Chiefs of the Federal Facilities, Emergency Response and Removal, North and South Superfund Remedial, and Waste Programs Branches, through the Section Chiefs for the Federal Facilities, Emergency Response and Removal, North and South Superfund Remedial, and Waste Programs Branches, to the Site Assessment Manager, Remedial Project Manager and On-Scene Coordinator.

3. REDELEGATION AUTHORITY.

These authorities may not be redelegated.

Delegation of Authority from the
Regional Administrator

14-17-B. (Cont')

4. ADDITIONAL REFERENCES..

a. Section 104(i), 105(e), 105(a)(8)(B), 105(d), 105(g)(2), 118 and 125(b) of CERCLA. [Note that CERCLA Section 104(j) is printed in the middle of Section 104(i). Sections 104(i)(6)(h) can be found on page 28 of Senate Print 99-217, "The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund) (P.L. 96-150), as amended by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499)," December 1986.]

b. Section 188(p) of the Superfund Amendments and Reauthorization Act (SARA).

c. National Contingency Plan, 40 CFR 300.

b. All applicable Agency guidance and directives.

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DELEGATIONS

14-21. Agreements With Other Federal Agencies

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA):

a. to consult with agencies, departments, and instrumentalities regarding investigations and studies of federal facilities conducted under Section 120(e) (1);

b. to review the plans for and results of such investigations and studies; and

c. to enter into an agreement with the head of the department, agency or instrumentality for completion by the department, agency or instrumentality of all necessary response actions at the federal facility.

2. TO WHOM DELEGATED. Deputy Regional Administrator for authority 1.c and to the Director, Waste Management Division for authority 1.a and 1.b.

3. LIMITATIONS.

a. Delegates must consult with Regional Counsel or designee for authority contained in 1.a and 1.b and obtain his/her concurrence before exercising the authority in 1.c above.

b. Delegates may exercise this authority for sites or particular operable units at a site within their Regions listed in the Remedy Delegation Report issued periodically by the Assistant Administrator for Solid Waste and Emergency Response.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

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14-21. (Cont'd)

5. ADDITIONAL REFERENCES.

- a. Section 120 of CERCLA.
- b. Applicable Agency guidance and directives.

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DELEGATIONS

14-23. Public Participation

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA): to provide notice, brief analysis, reasonable opportunity for submission of written and oral comments of the proposed plan, and opportunity for a public meeting at or near the facility at issue; to keep a transcript of the meeting and make that transcript available; to publish notice of the adoption of the final plan for the remedial action; and to publish an explanation of significant differences between the final plan and actions taken.

2. TO WHOM DELEGATED.

a. The authority for signature and publication of an Explanation of Significant Differences (ESD) is delegated through the Director, Waste Management Division, to the Associate Division Director of the Office of Superfund and Emergency Response.

b. All other authorities under this delegation are delegated through the Director, Waste Management Division, through the Associate Division Directors, Waste Management Division, through the Chiefs of the Federal Facilities, Emergency Response and Removal, North and South Superfund Remedial and Waste Programs Branches, through the Section Chiefs of the Federal Facilities, Emergency Response and Removal, North and South Superfund Remedial and Waste Programs Branches, to the Remedial Project Manager and On-Scene Coordinator.

3. REDELEGATION AUTHORITY. This authority may be redelegated by the Regional Administrator.

4. ADDITIONAL REFERENCES.

a. Sections 104; 106; 117(a), (b), (c), (d); 120; 121; and 122 of CERCLA.

b. National Contingency Plan, 40 CFR 300.

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DELEGATIONS

14-31. Administrative Penalty Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to make determinations of violations under Section 109, 42 U.S.C. § 9609, to assess penalties, to issue notices, orders, or complaints, and to compile the administrative record upon which the violation was found or the penalty imposed, to negotiate and sign consent agreements memorializing settlements under Section 109 between the Agency and respondents.

2. TO WHOM DELEGATED.

a. These authorities, except as noted in Paragraph 2.b., are delegated to the (1) Director, Waste Management Division, (2) Deputy Division Directors, Waste Management Division, and (3) Director, Air, Pesticides and Toxics Management Division.

b. The authority to issue consent orders is redelegated to the Regional Judicial Officer.

3. LIMITATIONS.

a. Delegates, other than the Regional Judicial Officer, must consult with Regional Counsel or designee and obtain his/her concurrence before exercising this authority.

b. Delegates, other than the Regional Judicial Officer, must notify the Assistant Administrator for Solid Waste and Emergency Response or his/her designee when exercising any of the above authorities.

c. When exercising the authorities described in Paragraph 2.a., neither delegatee is required to obtain the concurrence of the other.

4. REDELEGATION AUTHORITY. These authorities may be further redelegated.

Delegation of Authority from the
Regional Administrator

____ Cont'd.

5. ADDITIONAL REFERENCES.

- a. Section 109 of CERCLA.
- b. All applicable Agency guidance and directives.
- c. 40 C.F.R. Part 22.

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14-31. Administrative Penalty Actions.

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to make determinations of violations under Section 109, to assess penalties, to issue notices, orders, or complaints, and to compile the administrative record upon which the violation was found or the penalty imposed, and to negotiate and sign consent orders memorializing settlements under Section 109 between the Agency and respondents.

2. TO WHOM DELEGATED.

a. These authorities, except as noted in 2.b., are delegated to the Director, Waste Management Division, and to the Associate Division Directors, Waste Management Division.

b. The authority to issue consent orders is redelegated to the Regional Judicial Officer.

3. LIMITATIONS.

a. Delegates, other than the Regional Judicial Officer, must consult with Regional Counsel or designee and obtain his/her concurrence before exercising this authority.

b. Delegates, other than the Regional Judicial Officer, must notify the Assistant Administrator for Solid Waste and Emergency Response or his/her designee when exercising any of the above authorities.

4. REDELEGATION AUTHORITY. These authorities may be redelegated by the Regional Administrator.

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5. ADDITIONAL REFERENCES.

- a. Section 109 of CERCLA.
- b. All applicable Agency guidance and directives.
- c. 40 C.F.R. Sections 22.04, 22.18.

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COMPENSATION AND LIABILITY ACT (CERCLA)

DELEGATIONS

14-32. Administrative Enforcement: Agency Representation at Hearings

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to represent the Agency in administrative enforcement actions following issuance of an administrative complaint or order under CERCLA Section 109 and/or 5 U.S.C. Section 554; to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; to initiate an administrative appeal from an administrative determination, and to represent the Agency in such appeals.

2. TO WHOM DELEGATED.

a. The authority for final settlements and initiating appeals is delegated to the Director, Superfund Division and the Director, Air, Pesticides and Toxics Management Division.

b. The authority for all other items in this delegation except as they relate to Section 103 of CERCLA is delegated through the Director, Superfund Division, through the Deputy Division Director, Superfund Division, through the Chiefs of the Federal Facilities Branch, Emergency Response and Removal Branch, Superfund Remedial and Site Evaluation Branch, Superfund Remedial Branch, Superfund Support Branch and Superfund Enforcement and Information Management Branch to the Section Chiefs of the Federal Facilities Branch, Emergency Response and Removal Branch, Superfund Remedial and Site Evaluation Branch, Superfund Remedial Branch, Superfund Support Branch and Superfund Enforcement and Information Management Branch.

c. The authority for items in this delegation concerning Section 103 of CERCLA is delegated to the Director, Air, Pesticides and Toxics Management Division.

3. LIMITATIONS.

a. Delegates must consult with the Regional Counsel or designee and obtain his/her concurrence before exercising this authority. Delegates must be represented by an Agency attorney in carrying out any of the above functions before a court of law or administrative proceeding.

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- b. This Authority may only be exercised after the alleged violator files an answer, or fails to file and answer within the appropriate timeframe.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

- a. All applicable Agency guidance and directives.
- b. Section 109 of CERCLA.

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THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)

14-32. Administrative Enforcement: Agency Representation at Hearings

1200 TN 350

5/11/94

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to represent the Agency in administrative enforcement actions following issuance of an administrative complaint or order under CERCLA Section 109 and/or 5 U.S.C. Section 554; to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; to initiate an administrative appeal from an administrative determination, and to represent the Agency in such appeals.
2. **TO WHOM DELEGATED.** Regional Administrators and Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.** This authority may only be exercised after the alleged violator files an answer, or fails to file and answer within the appropriate timeframe.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. All applicable Agency guidance and directives.
 - b. Section 109 of CERCLA.

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Last updated on Friday, March 14th, 2008

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ENVIRONMENTAL PROTECTION AGENCY
REGION 4

CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

DELEGATIONS

14-36. Lead Contaminated Soil

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA):

To approve, award, and administer grant(s) or cooperative agreement(s) to a State, local government or other recipient to carry out a pilot program for removal, decontamination, or other action with respect to lead-contaminated soil in metropolitan areas within Region 4 designated by the Assistant Administrator for Solid Waste and Emergency Response, as recipients of pilot program proceeds.

2. TO WHOM DELEGATED. The authority is delegated to the Director, Superfund Division.

3. LIMITATIONS. Prior to the award of a grant or cooperative agreement the delegates must obtain the advance concurrence of the Assistant Administrator for Solid Waste and Emergency Response or his/her designee.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

a. Section 111(a) of CERCLA.

b. 40 CFR 30 and 40 CFR 33, EPA grant regulations.

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THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)

14-36. Lead Contaminated Soil

1200 TN 168
9/13/87

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA):
 - a. To designate one to three different metropolitan areas and to allocate among them up to \$15 million for pilot program activities described in 1.b;
 - b. To approve, award, and administer grant(s) or cooperative agreement(s) to a State, local government or other recipient to carry out a pilot program for removal, decontamination, or other action with respect to lead-contaminated soil.
2. **TO WHOM DELEGATED.** The authority in 1.a is delegated to the Assistant Administrator for Solid Waste and Emergency Response. The authority in 1.b is delegated to Regional Administrators responsible for the metropolitan areas designated in 1.a.
3. **LIMITATIONS.** Prior to the award of a grant or cooperative agreement under the authority in 1.b, Regional Administrators or their delegates must obtain the advance concurrence of the Assistant Administrator for Solid Waste and Emergency Response or his/her designee.
4. **REDELEGATION AUTHORITY.** The Assistant Administrator for Solid Waste and Emergency Response (AA/OSWER) may redelegate the authority in 1.a to the Director, Office of Emergency and Remedial Response. Regional Administrators may redelegate the authority in 1.b to the Division Director level.
5. **ADDITIONAL REFERENCES.**
 - a. Section 111(a) of CERCLA.
 - b. 40 CFR 30 and 40 CFR 33, EPA grant regulations.

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

DELEGATIONS

14-40. Evaluation of Approved Remedial Design

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Community Environmental Response Facilitation Act (CERFA): to evaluate under CERCLA Section 120(h)(3) an approved remedial design which has been constructed and installed to determine that such remedy is operating properly and successfully in order to establish that all necessary remedial action has been taken for purposes of CERCLA Section 120(h)(3)(B)(i).
2. TO WHOM DELEGATED. This authority is delegated through the Director, Waste Management Division, through the Associate Division Director for the Office of RCRA and Federal Facilities, through the Federal Facilities Branch Chief, through the Section Chiefs of the Federal Facilities Branch, to the Remedial Project Manager.
3. LIMITATIONS. Regional Administrators or their delegates must notify the Assistant Administrator for Solid Waste and Emergency Response or his/her designee after exercising this authority.
4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. ADDITIONAL REFERENCES. Section 120 of CERCLA, and CERFA (P.L. 102-426).

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CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
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14-43. Planning and Implementing Off-Site Response Actions

1. AUTHORITY. Pursuant to Section 121(d)(3) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9621(d)(3), and in accordance with 40 CFR § 300.440, the authority to:

- a. Determine the acceptability and continued acceptability of any facility being considered for the off-site treatment, storage, or disposal of CERCLA waste (40 CFR § 300.440(b)(1));
- b. Issue an initial determination of unacceptability if a facility does not satisfy the criteria for releases and relevant violations, notify the facility owner or operator of the initial determination of unacceptability, and notify the responsible agency in the State in which the facility is located of the unacceptability (40 CFR § 300.440(d)(1));
- c. Shorten, or eliminate the 60-day review period in extraordinary circumstances, and notify the facility owner or operator of the date of unacceptability (40 CFR § 300.440(d)(9));
- d. Provide for, and conduct, an informal conference if requested by the owner or operator of a facility in receipt of an initial determination of unacceptability (40 CFR § 300.440(d)(4));
- e. Decide if the information provided; either at the informal conference or in written comments, is sufficient to show that a determination of acceptability would be appropriate (40 CFR § 300.440(d)(6));

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CHAPTER 14
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

DELEGATIONS

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14-43. Planning and Implementing Off-Site Response Actions (cont'd)

- f. Extend the 60-day review period if more time is required to review the submission, and notify the facility owner or operator of the extension (40 CFR § 300.440(d)(8)); and
- g. Reconsider an initial determination of unacceptability for a facility and notify the facility owner or operator of the decision (40 CFR § 300.440(d)(7)).

2. TO WHOM DELEGATED.

- a. The authority to make determinations under 1.a. is delegated through the Director, RCRA Division, through the Chief, RCRA and OPA Enforcement & Compliance Branch through the Chiefs, North and South Enforcement & Compliance Sections to the Regional Off-Site Contact (ROC).
- b. The authority to issue initial notices of unacceptability under 1.b. is delegated through the Director, RCRA Division, through the Chief, RCRA and OPA Enforcement & Compliance Branch to the Chiefs of the North and South Enforcement & Compliance Sections, except as provided in 3.b.
- c. The authority to shorten, or eliminate, the 60-day review period under 1.c. is delegated to the Director, RCRA Division.
- d. The authority to provide, and conduct, an informal conference under 1.d. is delegated through the Director, RCRA Division, through the Chief, RCRA and OPA Enforcement & Compliance Branch through the Chiefs, North and South Enforcement & Compliance Sections to the Regional Off-Site Contact (ROC).
- e. The authority to determine the sufficiency of information provided under 1.e. is delegated to the Director, RCRA Division. Such determinations shall be made with the concurrence of the Regional Counsel or the Regional Counsel's delegatee.

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14-43. Planning and Implementing Off-Site Response Actions (cont'd)

- f. The authority to extend the 60-day review period under 1.f. is delegated to the Director, RCRA Division.
- g. The authority for reconsideration under 1.g. is delegated to the Director, RCRA Division. Determinations made after such reconsideration shall be made with the concurrence of the Regional Counsel or the Regional Counsel's delegatee.

3. LIMITATIONS.

- a. For initial determinations of unacceptability under 1.b., the Regional Administrator's delegatee shall obtain the concurrence of the Regional Counsel or the Regional Counsel's delegatee.
- b. If the initial determination of unacceptability under 1.b. also includes a decision to shorten or eliminate the 60-day review period under 1.f., the person with the authority to make that decision (see paragraph 2.f., above) shall also issue the initial determination of unacceptability (with the concurrence of the Regional Counsel or the Regional Counsel's delegatee.)

4. REDELEGATION AUTHORITY. There cannot be further redelegation of these authorities.

5. ADDITIONAL REFERENCES.

- a. Executive Order 12580, Superfund Implementation, January 23, 1987.
- b. Executive Order 13016, August 28, 1996.

Delegation of Authority from the
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22-3-A. Administrative Enforcement Actions

1. AUTHORITY. To take any administrative enforcement action under the Emergency Planning and Community Right-to-Know Act (EPCRA) including but not limited to issuing compliance orders, issuing warning letters or other notices, and issuing subpoenas.
2. TO WHOM DELEGATED. Director, Air, Pesticides, and Toxics Management Division.
3. LIMITATIONS.
 - a. The Division Director must consult with Regional Counsel or designee and obtain his/her concurrence before exercising this authority. Delegatees must be represented by an Agency attorney in carrying out any of the above functions before a court of law or administrative proceeding.
 - b. The Division Director must consult with the Assistant Administrator for Solid Waste and Emergency Response or the Assistant Administrator for Pesticides and Toxic Substances, or their designees, before exercising this authority, unless such consultation is waived by memorandum.
4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. ADDITIONAL REFERENCES. EPCRA, Section 325.

Delegation of Authority from the
Regional Administrator

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CHAPTER 22
EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

DELEGATIONS

22-3-B. Administrative Enforcement: Agency
Representation in Hearing and Negotiation

1. AUTHORITY. To represent EPA in civil administrative penalty adjudications conducted under the Emergency Planning and Community Right-to-Know Act (EPCRA); to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; to initiate appeals from such administrative determinations, and represent the Agency in such appeals.

2. TO WHOM DELEGATED. Director, Air, Pesticides and Toxics Management Division and Regional Counsel.

3. LIMITATIONS.

a. Once the alleged violator files an answer, or fails to file an answer in the specified time period, the person representing EPA in the proceeding must be an Office of Enforcement or Office of Regional Counsel attorney.

b. The Assistant Administrator for Enforcement must consult with the Regional Administrator or designee, and the Assistant Administrator for Solid Waste and Emergency Response (in regard to Sections 304, 311, 312, 322, and 323 of EPCRA), or the Assistant Administrator for Pesticides and Toxic Substances (in regard to Sections 313, 322, and 323 of EPCRA) or designee, prior to initiating an appeal.

c. The Division Director must consult with the Regional Counsel and the Assistant Administrator for Enforcement, or designee prior to deciding whether to appeal an adverse administrative decision.

4. REDELEGATION AUTHORITY. Further delegation is not authorized.

5. ADDITIONAL REFERENCES. EPCRA, Section 325.

Delegation of Authority from the
Regional Administrator

ENVIRONMENTAL PROTECTION AGENCY
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CHAPTER 22
EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

DELEGATIONS

22-3-C. Administrative Hearings: 40 C.F.R. Part 22

1. AUTHORITY. To hold and preside over hearings, assess penalties, perform all applicable functions set forth in 40 C.F.R. Part 22, and perform related duties which the Administrator is authorized to perform under sections 325(b), (c), (d), and (f) of the Emergency Planning and Community Right-to-Know Act (EPCRA).
2. TO WHOM DELEGATED.
 - a. The authority to issue consent orders memorializing settlements resulting from administrative enforcement actions is redelegated to the Regional Judicial Officer.
 - b. All other authorities are retained by the Regional Administrator.
3. LIMITATIONS. These proceedings must follow the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits as set forth in 40 C.F.R. Part 22. This limitation is contained in Headquarters Delegation 22-3-C.
4. REDELEGATION AUTHORITY. Further redelegation is not authorized.
5. ADDITIONAL REFERENCES.
 - a. EPCRA Section 325.
 - b. 40 C.F.R. Part 22.
 - c. Chapter 22 Headquarters Delegation entitled Administrative Hearings: 40 CFR Part 22.
 - d. Chapter 1 Headquarters Delegation entitled Hearings.

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22-3-C Cont'd. 0

3. LIMITATIONS. (Continued).

- e. Chapter 1 Headquarters Delegation entitled Administrative Proceedings.

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CHAPTER 22
EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

DELEGATIONS

22-4. Notification by States of Facilities Subject
to Planning Requirements

1. AUTHORITY. Pursuant to Section 302(d) of the Emergency Planning and Community Right-to-Know Act (EPCRA), to receive notifications from State emergency response commissions of facilities subject to the requirements of Subtitle A of EPCRA.
2. TO WHOM DELEGATED. Director, Air, Pesticides and Toxics Management Division.
3. REDELEGATION AUTHORITY. This authority may not be redelegated.
4. ADDITIONAL REFERENCES. EPCRA, Section 302.

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ENVIRONMENTAL PROTECTION AGENCY
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CHAPTER 27

DELEGATIONS

TOXIC SUBSTANCES CONTROL ACT/INDOOR RADON ABATEMENT ACT

27-3. Grants Assistance to States for Radon Programs

1. AUTHORITY. To approve grants and cooperative agreements to States for the purpose of development and implementation of programs for public education and assessment and mitigation of radon pursuant to Section 306 of Title III (Indoor Radon Abatement) of the Toxics Substances Control Act (TSCA).

2. TO WHOM DELEGATED. Director, Air, Pesticides and Toxics Management Division.

3. REDELEGATION AUTHORITY. No further redelegation is authorized.

4. ADDITIONAL REFERENCES.

a. Agency grant regulations, 40 CFR Parts 29, 31, 32.

b. Authority to execute assistance agreements is to Regional Administrators and to the Grants Administration Division in Delegation 1-14, "Assistance Agreements."

c. Section 306 of Title III of the Toxic Substances Control Act, Indoor Radon Abatement, 15 U.S.C. 2666.

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ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 27

DELEGATIONS

TOXIC SUBSTANCES CONTROL ACT/INDOOR RADON ABATEMENT ACT

27-4. Indian Radon Pilot Projects

1. AUTHORITY. To approve grants and cooperative agreements to the governing bodies of Federally-recognized Indian tribes, including Alaska Native Villages, and to inter-tribal Indian organizations, for development of radon pilot projects pursuant to Section 10(a) of the Toxics Substances Control Act.
2. TO WHOM DELEGATED. Director, Air, Pesticides and Toxics Management Division.
3. REDELEGATION AUTHORITY. No further redelegation is authorized.
4. ADDITIONAL REFERENCES.
 - a. Agency grant regulations, 40 CFR Parts 30, 31, 32, 33.
 - b. Authority to execute assistance agreements is delegated to Regional Administrators and to the Grants Administration Division in Delegation 1-14, "Assistance Agreements."
 - c. Section 306 of Title III of Toxic Substances Control Act, Indoor Radon Abatement, 15 U.S.C. 2666.

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ENVIRONMENTAL PROTECTION AGENCY
REGION IV

CHAPTER 27

DELEGATIONS

TOXIC SUBSTANCES CONTROL ACT/INDOOR RADON ABATEMENT ACT

27-5. Information Collection from States Under
Assistance for Radon Programs

1. AUTHORITY. To request and receive from the States information, data, and reports necessary to make a determination of continuing State eligibility for assistance pursuant to Section 306 of Title III (Indoor Radon Abatement) of the Toxic Substances Control Act (TSCA).

2. TO WHOM DELEGATED. Director, Air, Pesticides and Toxics Management Division.

3. REDELEGATION AUTHORITY. No further redelegation is authorized.

4. ADDITIONAL REFERENCES.

a. Agency grant regulations, 40 CFR Parts 29, 31, 32.

b. Section 306 of Title III of the Toxic Substances Control Act, Indoor Radon Abatement, 15 U.S.C. 2666.

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